

TWENTY-FIRST DAY

(Monday, February 15, 1937)

The House met at 10:00 o'clock a. m., pursuant to adjournment, and was called to order by Speaker Calvert.

The roll of the House was called and the following Members were present:

Mr. Speaker	Hartzog
Adkins	Heflin
Alexander	Herzik
Alsup	Holland
Amos	Hoskins
Baker	Howard
Bates	Huddleston
Beckworth	Hull
Bell	Jackson
Blankenship	James
Boethel	Johnson of Ellis
Bond	Johnson
Boyer	of Tarrant
Bradbury	Jones of Angelina
Bradford	Jones of Atascosa
Bridgers	Jones of Falls
Broadfoot	Jones of Wise
Brown	Keefe
Burton	Keith
Cagle	Kelt
Callan	Kenyon
Carssow	Kern
Cathey	King
Cauthorn	Knetsch
Celaya	Langdon
Cleveland	Lankford
Colquitt	Lanning
Davis of Haskell	Leath
Davis of Jasper	Leonard
Davison of Fisher	Levendecker
Davisson	Little
of Eastland	Loggins
Dean	London
Deglandon	Lucas
Derden	Mann
Dickison	Mauritz
Dollins	Mays
England	McConnell
Farmer	McCracken
Felty	McDonald
Fielden	McFarland
Fox	McKee
Fuchs	McKinney
Gibson	Metcalf
Graves	Monkhouse
Hamilton	Morris
Hanna	Morse
Harbin	Newton
Hardin	Nicholson
Harper	Oliver
Harrell	Palmer
Harris of Archer	Patterson of Mills
Harris of Dallas	Patterson
Harris of Dickens	of Travis

Pope	Smith of Hopkins
Powell	Smith
Prescott	of Matagorda
Quinn	Smith of Tarrant
Ragsdale	Stinson
Reader	Stocks
Reed of Bowie	Talbert
Reed of Dallas	Tarwater
Rhodes	Tennant
Riddle	Tennyson
Roark	Thornberry
Ross	Thornton
Russell	Vale
Rutta	Waggoner
Schuenemann	Walker
Settle	Weldon
Sewell	Westbrook
Sharpe	Winfree
Shell	Wood
Simpson	Worley

Absent-Excused

Hankamer	Petsch
Hyder	Skaggs
Moffett	Stevenson

A quorum was announced present.

Rev. George W. Coltrin, Chaplain, offered prayer.

LEAVES OF ABSENCE GRANTED

The following Members were granted leaves of absence on account of important business:

Mr. Petsch for today and tomorrow, on motion of Mr. Graves.

Mr. Skaggs for today, on motion of Mr. Talbert.

Mr. Moffett for today, on motion of Mr. Alexander.

Mr. Hyder for today, on motion of Mr. Simpson.

Mr. Stevenson for today, on motion of Mr. Pope.

The following Member was granted leave of absence on account of illness:

Mr. Hankamer for today, on motion of Mr. Stinson.

HOUSE BILLS ON FIRST READING

The following House bills, introduced today, were laid before the House, read severally first time, and referred to the appropriate committees, as follows:

By Mr. Hardin:

H. B. No. 530, A bill to be entitled "An Act placing a tax upon Certificates of Convenience and Necessity issued to Common Carrier Motor Car-

riers and motor bus companies operating over the public highways of Texas; providing the manner of the assessment of the tax; providing a penalty for failure to pay said tax; providing for the administration of the Act; appropriating the taxes collected under the Act, and declaring an emergency."

Referred to the Committee on Revenue and Taxation.

By Mr. Celaya, Mr. Leonard and Mr. Vale:

H. B. No. 531, A bill to be entitled "An Act amending Section 3 of Chapter 88, Acts of the Forty-first Legislature, Second Called Session, as amended by Section 1 of Chapter 3, Acts of the Forty-third Legislature, Second Called Session, as amended by Section 1 of Chapter 51, Acts of the Forty-fourth Legislature, Regular Session, so as to exempt motor vehicles, trailers and semi-trailers, owned and used exclusively in the service of any Water District or Water Control and Improvement District from the payment of license or registration fees to the State of Texas; repealing all laws in conflict, and declaring an emergency."

Referred to the Committee on Highways and Motor Traffic.

By Mr. Celaya, Mr. Leonard and Mr. Vale:

H. B. No. 532, A bill to be entitled "An Act providing that all products and commodities of whatever kind or character packed or canned in tins, boxes, crates or containers of any sort shall be labeled; providing that such label shall have printed upon it in bold type the word 'Texas'; providing a penalty for the violation of this Act, and declaring an emergency."

Referred to the Committee on Agriculture.

By Mr. Davisson of Eastland:

H. B. No. 533, A bill to be entitled "An Act making certain emergency appropriation out of any moneys in the State Treasury, not otherwise appropriated, for the balance of the biennium ending August 31, 1937, for the State Department of Agriculture, and declaring an emergency."

Referred to the Committee on Appropriations.

By Mr. Jones of Wise:

H. B. No. 534, A bill to be entitled "An Act to amend Section 9, Article IV, House Bill No. 8, Chapter 495, passed by the Forty-fourth Legislature, at its Third Called Session with respect to omnibus tax measures; including among securities taxed abstracts of judgment; exempting notes, obligations and instruments securing same, taken by or on behalf of the State of Texas or any agency or instrumentality of the State Government in carrying out a governmental purpose, and declaring an emergency."

Referred to the Committee on Revenue and Taxation.

By Mr. Bates, Mr. Ragsdale, Mr. Talbert, Mr. Jones of Angelina, Mr. Beckworth, Mr. Lucas, Mr. Leath, Mr. Wood, Mr. Keefe, Mr. Tennant, Mr. Gibson, Mr. Cathey, Mr. McKee, Mr. Davis of Jasper, Mr. Westbrook, Mr. Loggins and Mr. Oliver:

H. B. No. 535, A bill to be entitled "An Act granting to the Sabine-Neches Conservation District, power and authority to carry on soil conservation work within the boundaries of said District; prescribing the duties of the Board of Directors of the Sabine-Neches Conservation District in connection with the administration of this Act; providing for the creation of soil conservation sub-districts to engage in conserving soil resources and preventing and controlling soil erosion; defining the power and duties of such soil conservation sub-districts, and providing for the exercise of such powers, including power to acquire property by purchase, gift or otherwise; empowering such sub-districts to adopt programs and regulations for the discontinuance of land-use practices contributing to soil erosion, and the adoption and carrying out of soil conserving land-use practices, and providing for the enforcement of such programs and regulations; . . . etc., and declaring an emergency."

Referred to the Committee on State Affairs.

By Mr. Harbin and Mr. Holland:

H. B. No. 536, A bill to be entitled "An Act to amend Article 408 of the Code of Criminal Procedure of the 1925 Revised Civil Statutes of Texas, so as to further define the mode of

prosecuting the offense of perjury in certain cases."

Referred to the Committee on Criminal Jurisprudence.

By Mr. Vale, Mr. Pope, Mr. Shell, Mr. Celaya, Mr. Hoskins, Mr. Leyendecker, Mr. Dollins, Mr. Hartzog, Mr. Jones of Falls, Mr. Little, Mr. Monkhouse, Mr. Fuchs, Mr. Jones of Atascosa, Mr. McKee, Mr. Schuenemann, Mr. Felty and Mr. Mauritz:

H. B. No. 537, A bill to be entitled "An Act for the benefit of the marine industries of Texas; providing for the study of the Science of Marine Biology; authorizing and accepting the donation by the City of Corpus Christi, Texas, of certain land on the waters of Corpus Christi Bay to the Texas College of Arts and Industries and providing for the erection of a marine biological laboratory thereon as a part of such college and in conformity with the provisions of Chapter 360 of the Acts of the Forty-fourth Legislature, Regular Session, as set out on page 1024 of the General Laws of Texas, Forty-fourth Legislature, Regular Session, 1935; providing for the management and control of said laboratory and for cooperation in the use thereof by the colleges and universities of this State, the Federal Government, the Fish, Game and Oyster Commission and other agencies of the State and Federal Governments; making an appropriation for the construction and equipment of said laboratory, and declaring an emergency."

Referred to the Committee on Appropriations.

By Mr. Pope and Mr. Shell:

H. B. No. 538, A bill to be entitled "An Act to authorize the sale of additional portions of Harbor Island and other islands in Redfish Bay, Corpus Christi Bay and Aransas Bay and certain lands under the shallow waters of Redfish Bay, Corpus Christi Bay and Aransas Bay with certain restrictions; to authorize the extension by the present owners or their successors and assigns of the original purchase from the State of Texas of such lands under the terms of an act known as the Act of March 13th, 1911, and being Chapter 45 of the Acts of the Thirty-second Legislature of Texas; reserving the oil, gas and other minerals in and under said

lands so additionally purchased together with the right of ingress and egress for the purpose of mining and producing the same; providing that the sale and ownership of such land so additionally purchased shall be subject to all existing laws of the State of Texas, and declaring an emergency."

Referred to the Committee on Public Lands and Buildings.

By Mr. Johnson of Tarrant and Mr. Hull:

H. B. No. 539, A bill to be entitled "An Act to amend Article 1063 of the Penal Code of the State of Texas of 1925, so as to include milk bottle cases, and declaring an emergency."

Referred to the Committee on Criminal Jurisprudence.

By Mr. Johnson of Tarrant and Mr. Hull:

H. B. No. 540, A bill to be entitled "An Act to amend Article 1065 of the Penal Code of the State of Texas of 1925, so as to include milk bottle cases, and declaring an emergency."

Referred to the Committee on Criminal Jurisprudence.

By Mr. Johnson of Tarrant and Mr. Hull:

H. B. No. 541, A bill to be entitled "An Act to amend Article 1064 of the Penal Code of the State of Texas of 1925, so as to include milk bottle cases, and declaring an emergency."

Referred to the Committee on Criminal Jurisprudence.

By Mr. Harbin:

H. B. No. 542, A bill to be entitled "An Act regulating aeroplane carriers of persons or property for hire; defining the terms 'person', 'commission', 'certificate', and 'Aeroplane company'; declaring aeroplane companies to be common carriers placing all aeroplane companies under jurisdiction of the Railroad Commission of Texas; defining the duties of the Railroad Commission; providing for Certificate of Convenience and Necessity; providing for supervision of rates, schedules, landing fields, and terminals by the Railroad Commission; providing a license for all aeroplane pilots; providing a fee for the issuance of licenses; providing for the regulation of aeroplane companies in matters affecting relationship be-

tween them and the travelling public; providing for hearings, filing of complaints, and hearing of complaints; providing for temporary certificates; directing the form and content of all applications; providing for the fee accompanying applications; providing for the sale, lease, or assignment of certificates providing hearings and manner of conducting same; authorizing the Commission to require service to towns along route; providing identification plates for aeroplanes to be issued by the Commission; providing for witnesses and fees for witnesses; providing penalty for violation of the terms of this Act, and the disposition of funds collected under this Act; providing employees for the administration of the Act and setting a salary to be paid to its employees; providing for appeal from orders issued by the Railroad Commission; providing for office space for the administration of this Act; defining the term 'notice', and declaring an emergency."

Referred to the Committee on State Affairs.

By Mr. Petsch and Mr. Knetsch:

H. B. No. 543, A bill to be entitled "An Act to amend Article 1986 of the Revised Civil Statutes of Texas, 1925, so as to provide for the joinder of more than one plaintiff in one cause of action under the conditions set out in the terms of the Act, and providing for an emergency."

Referred to the Committee on Judiciary.

By Mr. Graves:

H. B. No. 544, A bill to be entitled "An Act to amend Article 7163, Revised Civil Statutes, 1925, to provide that no person shall be required to list or render a greater portion of his credits than he believes he will receive or collect, or to include in the statement of his personal property any share or portion of the capital stock or property of any company or corporation which is required to list or render its capital and property for taxation, or any building and loan association under Chapter 61, Acts of the Second Called Session of the Forty-first Legislature, as amended."

Referred to the Committee on Revenue and Taxation.

By Mr. Graves:

H. B. No. 545, A bill to be entitled "An Act amending Section 25, Chapter 61, Acts of the Second Called Session of the Forty-first Legislature, to provide that any administrator, executor, guardian, trustee or other fiduciary may invest funds held by him as such in shares of any building and loan association, doing business in this State, subject to the same rights, obligations and limitations as other shareholders; including the right of withdrawal; and that any married woman or corporation may invest in shares of any building and loan association doing business in this State, subject to the same rights, obligations and limitations as other shareholders, including the right of withdrawal."

Referred to the Committee on Judiciary.

By Mr. Hartzog:

H. B. No. 546, A bill to be entitled "An Act placing a closed season on shrimp in the inland salt waters of this State during the months of June, July and August of any year; providing that shrimp may be taken at any time of the year, with certain tackle, for bait; providing for the size limit of shrimp that may be taken or possessed during the months of June, July and August of any year; providing that this size limit does not apply to shrimp legally taken for bait; providing a penalty for violations of this Act; repealing all laws in conflict herewith, and declaring an emergency."

Referred to the Committee on Game and Fisheries.

By Mr. Moffett:

H. B. No. 547, A bill to be entitled "An Act to declare an State Policy regarding the activities of the various agricultural agencies of the State, especially as they affect cotton, and the increased use and consumption of same; directing that the heads of the State's various agricultural agencies shall take due notice of said policy; providing for the establishment of a cotton research laboratory and making an appropriation therefor, stating a contingency upon which said appropriation is made; providing for the location of said laboratory, and declaring an emergency."

Referred to the Committee on Appropriations.

By Mr. Prescott:

H. B. No. 548, A bill to be entitled "An Act making appropriation from the Treasury of the State of Texas from funds not otherwise appropriated, to the Central Colorado River Authority, providing for the method of drawing warrants, providing for the repayment thereof, and declaring an emergency."

Referred to the Committee on Appropriations.

By Mr. Riddle, Mr. Monkhouse, Mr. Vale, Mr. Keith and Mr. Newton:

H. B. No. 549, A bill to be entitled "An Act amending Article 2525, R. C. S. of Texas, 1925, as amended by Chapter 89, Acts, First Called Session, Forty-third Legislature, Article 2526, R. C. S. of Texas, 1925, Article 2527, R. C. S. of Texas, 1925, Article 2528, R. C. S. of Texas, 1925, as amended by Chapter 89, Acts, First Called Session, Forty-third Legislature, Article 2529, R. C. S. of Texas, 1925, Article 2530, R. C. S. of Texas, 1925, Article 2531, R. C. S. of Texas, 1925, Article 2532, R. C. S. of Texas, 1925, Article 2533, R. C. S. of Texas, 1925, as amended by Chapter 89, Acts, First Called Session, Forty-third Legislature, Article 2534, R. C. S. of Texas, 1925, Article 2535, R. C. S. of Texas, 1925, Article 2537, R. C. S. of Texas, 1925, as amended by Chapter 89, Acts, First Called Session, Forty-third Legislature; repealing all laws and parts of laws in conflict and expressly repealing Article 2539, R. C. S. of Texas, 1925, as amended by Chapter 89, Acts, First Called Session, Forty-third Legislature, and declaring an emergency."

Referred to the Committee on Banks and Banking.

By Mr. Cathey:

H. B. No. 550, A bill to be entitled "An Act to amend Article 434 of Chapter 8 of the Penal Code of the State of Texas, 1925, by adding thereto a section to be known as Article 434a, and declaring an emergency."

Referred to the Committee on Criminal Jurisprudence.

By Mr. Jones of Atascosa:

H. B. No. 551, A bill to be entitled "An Act providing for the apprehension, arrest and trial of one alleged to be of unsound mind by filing of information under oath before a

county judge or justice of peace and the issuance of a warrant of arrest thereon and return thereof to the county judge; providing for the setting of a time and place for the hearing of said complaint and for notice of such hearing to such person; providing for his presence and his right of counsel and to have his witnesses present at said hearing; providing for the summoning of a jury to hear and determine the special issues to be submitted in said matter; providing that if any portion of this Act is declared unconstitutional and invalid it shall not affect the remaining parts, and declaring an emergency."

Referred to the Committee on Judiciary.

By Mr. England:

H. B. No. 552, A bill to be entitled "An Act amending Subsection 1, of Section 6, of Article III, of House Bill No. 8, enacted by the Third Called Session of the Forty-fourth Legislature."

Referred to the Committee on Revenue and Taxation.

By Mr. Loggins, Mr. Ragsdale, Mr. Rutta, Mr. King, Mr. Johnson of Tarrant, Mr. Mann, Mr. Heflin, Mr. Bates, Mr. Jones of Angelina, Mr. Harris of Dickens, Mr. London, Mr. James, Mr. Langdon, Mr. Newton, Mr. Hardin, Mr. Holland, Mr. Walker, Mr. Prescott, Mr. Baker, Mr. McDonald, Mr. Weldon, Mr. Hoskins, and Mr. Kern:

H. B. No. 553, A bill to be entitled "An Act amending Article 5453, Revised Civil Statutes of Texas, 1925, and declaring an emergency."

Referred to the Committee on Judiciary.

By Mr. Patterson of Travis and Mr. Huddleston:

H. B. No. 554, A bill to be entitled "An Act amending Article 3116, Revised Civil Statutes of Texas, 1925, as amended by Chapter 54, Acts of the Fortieth Legislature, Regular Session, as amended by Chapter 129, Acts of the Forty-fourth Legislature, Regular Session, providing the fee that shall be paid by candidates for State Representative, State Senator, District Judge, District Attorney, Associate Justice of the Court of Civil Appeals, and Chief Justice of the

Court of Civil Appeals for the privilege of having their names placed on the ballots of each county; providing that each County Chairman and each member of the County Executive Committee who shall make any assessment against any candidate for State Representative, State Senator, District Judge, District Attorney, Associate Justice of the Court of Civil Appeals, or Chief Justice of the Court of Civil Appeals in a sum greater than that provided by law for such candidate shall be guilty of a misdemeanor; providing a penalty upon conviction, and declaring an emergency."

Referred to the Committee on Privileges, Suffrage and Elections.

By Mr. Hoskins, Mr. Davis of Haskell, Mr. Stocks and Mr. Dollins:

H. B. No. 555, A bill to be entitled "An Act to provide for the sexual sterilization of inmates of State Institutions in certain cases for certain purposes; prescribing the method of procedure and fixing the duties and liabilities of officials concerned therewith; repealing all laws in conflict therewith; providing that if any section, clause or sentence is held unconstitutional such holding shall not affect the remaining portion of the Act, and declaring an emergency."

Referred to the Committee on Public Health.

SPECIAL ORDER SET

Mr. Wood moved that House Bill No. 120 be set as a special order for 10:30 o'clock a. m., Tuesday, February 16.

The motion prevailed.

RELATIVE TO HOUSE BILL NO. 235

By unanimous consent of the House, Mr. Leonard was authorized to withdraw his name from House Bill No. 235, as co-author of same.

RELATIVE TO CERTAIN RECOMMENDATION TO THE STATE BOARD OF EDUCATION

Mr. Morse offered the following resolution:

H. C. R. No. 33, Relative to certain recommendation to the State Board of Education.

Whereas, Under the statutes relating to free text books, the State Board of Education is authorized to select and

adopt a uniform system of text books to be used in the public free schools of Texas; and

Whereas, Up to the present time, although music, particularly instrumental music, is being taught as a regular subject in the public free school of Texas, text books on the reading of band and orchestra music have not been provided as free text books by the State Board of Education; and

Whereas, The schools, the State Board of Education, the State Superintendent, many Members of this Legislature, and others have been implored to hasten the day of making text books on the reading of music available to the students studying these subjects in the public free schools of Texas; and

Whereas, If this matter is not considered by the State Board of Education until their annual adoption meeting in October, 1937, an adoption at that time would not make the use of the books available for some time thereafter; therefore, be it

Resolved by the House of Representatives of the State of Texas, the Senate concurring, That the State Board of Education is hereby requested to give the matter of furnishing free text books on the reading of music to the students studying these subjects in the public free schools of Texas their earliest possible consideration, so that the books can, if possible, be made available for use beginning with the fall term of school in 1937.

The resolution was read second time.

On motion of Mr. Tennyson, the resolution was referred to the Committee on Education.

COMMENDING CERTAIN ACTION IN REGARD TO TRAFFIC SAFETY

Mr. Cauthorn offered the following resolution:

H. C. R. No. 34, Commending the Inter-Fraternity Council of the University of Texas, the University of Texas, and the Police Department of the City of Austin.

Whereas, The Inter - Fraternity Council of the University of Texas, the University of Texas, and the Police Department of the City of Austin are conducting a program of traffic safety, to be held Tuesday, February 16, in Hogg Memorial Auditorium; and

Whereas, This is the first program of this nature to be conducted by any University in the Nation; and

Whereas, The University students should become safety conscious and disseminate safety rules of the traffic problems throughout the State of Texas; and

Whereas, Such safety programs should be held in the Universities and Colleges over the Nation; therefore, be it

Resolved by the House of Representatives of the State of Texas, the Senate of the State of Texas concurring, That the Inter-Fraternity Council of the University of Texas, the University of Texas, and the Police Department of the City of Austin be commended in the efforts being made by them in this worthy and needed traffic safety education; and, be it further

Resolved, That the Clerk of the House of Representatives send a copy of this resolution to the following:

The Inter-Fraternity Council of the University of Texas, the President of the University of Texas, and the Police Department of the City of Austin, Texas.

The resolution was read second time, and was adopted.

RELATIVE TO REPLACING CERTAIN MICROPHONE

The Speaker laid before the House, for consideration at this time, resolution offered by Mr. Hardin on Monday, February 8, relative to replacing certain microphone in the House.

The resolution having heretofore been read second time, with amendment by Mr. Worley, pending.

Mr. Worley withdrew the pending amendment.

Mr. Worley raised a point of order, on further consideration of the resolution, on the ground that the resolution seeks to amend the Rules of the House and should be referred to the Committee on Rules.

The Speaker overruled the point of order.

Mr. Worley moved that the resolution be referred to the Committee on Rules.

On motion of Mr. Hardin, the motion to refer the resolution was tabled.

Question recurring on the resolution, it was adopted.

Mr. Farmer moved to reconsider the vote by which the resolution was

adopted, and to table the motion to reconsider.

The motion to table prevailed.

RELATIVE TO CERTAIN NEWS- PAPER ARTICLE

The Speaker laid before the House, for consideration at this time, resolution by Mr. Jones of Atascosa offered on last Wednesday, February 10, relative to certain newspaper article in regard to recommendation of President Franklin Delano Roosevelt to the Congress of United States.

The resolution having heretofore been read second time, with amendment by Mr. Leonard, pending.

Mr. Jones of Atascosa raised a point of order, on further consideration of the amendment by Mr. Leonard, on the ground that the amendment violates Section 30 of Article III of the Constitution of Texas.

The Speaker overruled the point of order.

Mr. Leonard moved to table the resolution.

Question recurring on the motion to table, yeas and nays were demanded.

The motion to table was lost by the following vote:

Yeas—58

Alsup	Knetsch
Baker	Leonard
Beckworth	Leyendecker
Blankenship	Little
Boethel	Mays
Bond	McKee
Boyer	McKinney
Broadfoot	Morris
Burton	Morse
Cagle	Nicholson
Carssow	Patterson
Cauthorn	of Travis
Celaya	Pope
Colquitt	Prescott
Dean	Ragsdale
Derden	Rhodes
England	Riddle
Felty	Schuenemann
Gibson	Sharpe
Hamilton	Shell
Hanna	Smith
Hardin	of Matagorda
Harper	Stinson
Harris of Dallas	Stocks
Heflin	Tennant
Hoskins	Thornton
Jackson	Vale
Keith	Weldon
Kelt	Wood
Kenyon	Worley

Nays—74

Adkins	Kern
Alexander	King
Amos	Lankford
Bates	Lanning
Bell	Loggins
Bradbury	London
Bridgers	Lucas
Brown	Mann
Callan	Mauritz
Cathey	McConnell
Cleveland	McCracken
Davis of Haskell	McFarland
Davis of Jasper	Metcalfe
Davison of Fisher	Monkhouse
Davisson	Newton
of Eastland	Oliver
Deglandon	Palmer
Dickison	Patterson of Mills
Dollins	Powell
Farmer	Quinn
Fielden	Reader
Fox	Reed of Bowie
Fuchs	Reed of Dallas
Graves	Roark
Harrell	Ross
Harris of Archer	Russell
Herzik	Rutta
Holland	Sewell
Hull	Simpson
James	Smith of Hopkins
Johnson of Ellis	Smith of Tarrant
Johnson	Talbert
of Tarrant	Tarwater
Jones of Angelina	Tennyson
Jones of Atascosa	Thornberry
Jones of Falls	Waggoner
Jones of Wise	Walker
Keefe	Westbrook

Present—Not Voting

Harbin

Absent

Bradford	Langdon
Harris of Dickens	Leath
Hartzog	McDonald
Howard	Settle
Huddleston	Winfree

Absent-Excused

Hankamer	Petsch
Hyder	Skaggs
Moffett	Stevenson

Mr. Holland moved to table the amendment by Mr. Leonard.

Question recurring on the motion to table, yeas and nays were demanded.

The motion to table prevailed by the following vote:

Yeas—76

Adkins	King
Alexander	Langdon
Amos	Lankford
Bates	Lanning
Bell	Leath
Bradbury	Loggins
Bridgers	London
Brown	Lucas
Callan	Mann
Carssow	Mauritz
Cathey	McConnell
Cleveland	McCracken
Colquitt	Metcalfe
Davis of Haskell	Monkhouse
Davis of Jasper	Morris
Davison of Fisher	Newton
Davisson	Oliver
of Eastland	Patterson of Mills
Deglandon	Powell
England	Prescott
Farmer	Reader
Felty	Reed of Bowie
Fielden	Reed of Dallas
Fox	Roark
Fuchs	Ross
Graves	Russell
Hardin	Rutta
Harper	Sewell
Harris of Archer	Simpson
Holland	Smith of Tarrant
Huddleston	Talbert
James	Tarwater
Johnson of Ellis	Tennyson
Jones of Angelina	Thornberry
Jones of Atascosa	Waggoner
Jones of Wise	Walker
Keefe	Westbrook
Kelt	Worley
Kern	

Nays—51

Alsup	Johnson
Baker	of Tarrant
Beckworth	Jones of Falls
Blankenship	Keith
Boethel	Kenyon
Bond	Knetsch
Boyer	Leonard
Burton	Leyendecker
Cagle	Little
Cauthorn	Mays
Celaya	McDonald
Dean	McKee
Derden	McKinney
Dollins	Morse
Gibson	Nicholson
Hamilton	Patterson
Hanna	of Travis
Harris of Dallas	Pope
Harris of Dickens	Quinn
Hull	Rhodes
Jackson	Riddle

Schuenemann	Stocks
Sharpe	Tennant
Shell	Thornton
Smith	Vale
of Matagorda	Weldon
Stinson	Wood

Present—Not Voting

Harbin

Absent

Bradford	Howard
Broadfoot	McFarland
Dickison	Palmer
Harrell	Ragsdale
Hartzog	Settle
Heflin	Smith of Hopkins
Herzik	Winfree
Hoskins	

Absent-Excused

Hankamer	Petsch
Hyder	Skaggs
Moffett	Stevenson

Mr. Harris of Dickens offered the following amendment to the resolution:

Amend the resolution by striking out the resolving clause and adding in lieu thereof the following:

"Whereas, It is recognized that we have many outstanding statesmen in the House of Representatives capable of running the National Government; and

"Whereas, These great men want to take over the reins of the Federal Government at this time; be it

"Resolved, That these great statesmen will not take part in such affairs until they have been elected to the National Congress."

On motion of Mr. Smith of Tarrant, the amendment was tabled.

Mr. Riddle moved the previous question on the adoption of the resolution, and the main question was ordered.

Question recurring on the resolution, yeas and nays were demanded.

The resolution was adopted by the following vote:

Yeas—91

Adkins	Bradbury
Alexander	Bridgers
Amos	Brown
Baker	Callan
Bates	Cathey
Bell	Cauthorn
Blankenship	Cleveland

Davis of Haskell	London
Davis of Jasper	Lucas
Davison of Fisher	Mann
Davisson	Mauritz
of Eastland	McConnell
Deglandon	McCracken
Dickison	McDonald
Dollins	McFarland
Farmer	Metcalfe
Felty	Newton
Fielden	Oliver
Fox	Palmer
Fuchs	Patterson of Mills
Graves	Powell
Hamilton	Prescott
Hanna	Quinn
Harper	Reader
Harris of Archer	Reed of Bowie
Harris of Dickens	Reed of Dallas
Heflin	Riddle
Herzik	Roark
Holland	Ross
Hull	Russell
James	Rutta
Johnson of Ellis	Settle
Jones of Angelina	Sewell
Jones of Atascosa	Simpson
Jones of Falls	Smith of Hopkins
Jones of Wise	Smith of Tarrant
Keefe	Talbert
Kelt	Tarwater
Kern	Tennyson
King	Thornberry
Landon	Vale
Lankford	Waggoner
Lanning	Walker
Leath	Westbrook
Levendeker	Winfree
Loggins	Worley

Nays—43

Beckworth	Little
Boethel	Mays
Bond	McKee
Boyer	McKinney
Bradford	Monkhouse
Broadfoot	Morris
Burton	Morse
Cagle	Nicholson
Carssow	Patterson
Celaya	of Travis
Colquitt	Pope
Derden	Ragsdale
Gibson	Rhodes
Hardin	Schuenemann
Harris of Dallas	Shell
Huddleston	Smith
Jackson	of Matagorda
Johnson	Stinson
of Tarrant	Stocks
Keith	Tennant
Kenyon	Thornton
Knetsch	Weldon
Leonard	Wood

Present—Not Voting

Harbin

Absent

Alsup

Hartzog

Dean

Hoskins

England

Howard

Harrell

Sharpe

Absent-Excused

Hankamer

Petsch

Hyder

Skaggs

Moffett

Stevenson

Mr. Jones of Atascosa moved to reconsider the vote by which the resolution was adopted, and to table the motion to reconsider.

The motion to table prevailed.

**GRANTING JUDGE R. B. CROSS
PERMISSION TO BE ABSENT
FROM THE STATE**

The Speaker laid before the House, for consideration at this time, the following resolution:

S. C. R. No. 22, Granting Judge R. B. Cross permission to be absent from the State.

Be It Resolved by the Senate of Texas, the House of Representatives concurring, That Honorable R. B. Cross, Judge of the 52nd Judicial District Court of Texas, be, and is hereby, granted permission to be absent from the State of Texas at such intervals and for such time as he may see fit and proper during the years 1937 and 1938, taking into consideration the condition of the docket of said court.

The resolution was read second time, and was adopted.

RELATIVE TO LANDS PURCHASED BY FEDERAL GOVERNMENT FOR REFORESTATION PURPOSES

The Speaker laid before the House, for consideration at this time, House Concurrent Resolution No. 10, by Mr. Westbrook. Relative to lands purchased by Federal Government for reforestation purposes.

The resolution having heretofore been read second time and referred to the Committee on Public Lands and Buildings.

The Committee on Public Lands and Buildings having recommended the adoption of the resolution.

Mr. Westbrook offered the following amendment to the resolution:

Amend House Concurrent Resolution No. 10, by striking out all of the eighth "whereas" clause, and by striking out all of the first resolving clause, inserting in lieu thereof the following:

"Resolved by the House of Representatives, the Senate concurring, That the Congress of the United States be, and the same is hereby requested to pass legislation in some form entitling the State of Texas and its political subdivisions to be reimbursed for the loss in taxes which resulted from the purchase of said land by the Federal Government, until the taxable values of such political subdivisions have increased to the extent occasioned by such purchase upon the part of the Federal Government; and that the President of the United States be, and is hereby requested to give careful consideration of these problems to the end that, if he can consistently do so, he may cooperate and approve such legislation; and, be it further"

The amendment was adopted.

Question recurring on the resolution, it was adopted.

Mr. Bradbury moved that the Rule governing the regular order of business, at this time, be suspended, and that the House proceed to the consideration of bills on the regular calendar.

Question recurring on the motion to suspend the Rule, yeas and nays were demanded.

The motion was lost by the following vote (not receiving the necessary two-thirds vote):

Yeas—68

Alsup

Felty

Amos

Fox

Baker

Fuchs

Bates

Graves

Beckworth

Hamilton

Blankenship

Harbin

Boethel

Harrell

Bradbury

Harris of Archer

Bradford

Harris of Dickens

Broadfoot

Heflin

Brown

Jones of Wise

Callan

Keefe

Cathey

Kelt

Cauhorn

Lanning

Cleveland

Leonard

Davis of Haskell

Loggins

Davison of Fisher

London

Davisson

Lucas

of Eastland

Mann

Dickison

Mauritz

England

McConnell

Farmer

McDonald

McFarland	Roark
Metcalf	Ross
Monkhouse	Russell
Morris	Settle
Nicholson	Simpson
Oliver	Tennyson
Palmer	Thornberry
Patterson of Mills	Waggoner
Powell	Weldon
Quinn	Westbrook
Ragsdale	Wood
Reed of Bowie	Worley
Riddle	

Nays—51

Adkins	Jones of Atascosa
Alexander	Jones of Falls
Bell	King
Bond	Knetsch
Boyer	Langdon
Bridgers	Lankford
Burton	Leath
Cagle	Leyendecker
Carssow	McCracken
Celaya	McKinney
Dean	Pope
Deglandon	Prescott
Derden	Reed of Dallas
Dollins	Rhodes
Gibson	Rutta
Hanna	Schuenemann
Hardin	Sewell
Harris of Dallas	Shell
Hartzog	Smith of Hopkins
Herzik	Stinson
Holland	Stocks
Huddleston	Tarwater
Jackson	Tennant
James	Thornton
Johnson of Ellis	Winfree
Johnson of Tarrant	

Present—Not Voting

Jones of Angelina

Absent

Colquitt	Morse
Davis of Jasper	Newton
Fielden	Patterson
Harper	of Travis
Hoskins	Reader
Howard	Sharpe
Hull	Smith
Keith	of Matagorda
Kenyon	Smith of Tarrant
Kern	Talbert
Little	Vale
Mavs	Walker
McKee	

Absent-Excused

Hankamer	Petsch
Hyder	Skaggs
Moffett	Stevenson

GRANTING PERMISSION TO SUE
THE STATE

The Speaker laid before the House, for consideration at this time, House Concurrent Resolution No. 16, by Mr. Stinson, Granting Uvalde Construction Company permission to sue the State.

The resolution having heretofore been read second time and referred to the Committee on State Affairs.

The Committee on State Affairs having recommended the adoption of the resolution.

Question recurring on the resolution, it was adopted.

GRANTING PERMISSION TO SUE
THE STATE

The Speaker laid before the House, for consideration at this time, House Concurrent Resolution No. 19, by Mr. Harbin, Granting George H. Guthrie permission to sue the State.

The resolution having heretofore been read second time and referred to the Committee on State Affairs.

The Committee on State Affairs having recommended the adoption of the resolution.

Question recurring on the resolution, it was adopted.

GRANTING PERMISSION TO SUE
THE STATE

The Speaker laid before the House, for consideration at this time, House Concurrent Resolution No. 22, by Mr. Hankamer, Granting George Wieland permission to sue the State.

The resolution having heretofore been read second time and referred to the Committee on State Affairs.

The Committee on State Affairs having recommended the adoption of the resolution.

Question recurring on the resolution, it was adopted.

GRANTING PERMISSION TO SUE
THE STATE

The Speaker laid before the House, for consideration at this time, House Concurrent Resolution No. 30, by Mr. Keefe, Granting Floyd Arnwine permission to sue the State.

The resolution having heretofore been read second time and referred to the Committee on State Affairs.

The Committee on State Affairs having recommended the adoption of the resolution.

Question recurring on the resolution, it was adopted.

GRANTING PERMISSION TO SUE THE STATE

The Speaker laid before the House, for consideration at this time, House Concurrent Resolution No. 32, by Mr. Carssow, Granting Mrs. Anna Smith, and others, permission to sue the State.

The resolution having heretofore been read second time and referred to the Committee on State Affairs.

The Committee on State Affairs having recommended the adoption of the resolution.

Question recurring on the resolution, it was adopted.

RELATIVE TO THE CONSIDERATION OF REVENUE BILLS

The Speaker laid before the House, for consideration at this time, resolution by Mr. McCracken, relative to the consideration of revenue raising bills.

The resolution having heretofore been read second time and referred to the Committee on Rules.

The Committee on Rules having reported the resolution without recommendation.

Mr. Jones of Wise raised a point of order, on further consideration of the resolution, on the ground that the resolution seeks to postpone indefinitely bills that are not pending before the House for consideration, and is therefore a violation of the Rules.

The Speaker overruled the point of order.

Mr. Hartzog offered the following amendment to the resolution:

Amend the resolution by writing at the proper place, "such report shall be filed in not less than thirty days."

The amendment was lost.

Question recurring on the resolution, it was lost.

HOUSE BILL NO. 94 ON SECOND READING

On motion of Mr. Hartzog, the regular order of business was suspended, at this time, to take up and have placed on its second reading and its passage to engrossment,

H. B. No. 94. A bill to be entitled "An Act amending Chapter 152, Acts,

Forty-second Legislature, Regular Session, being designated as Article 3920, Revised Civil Statutes of 1925, providing for the collection of certain fees by the Board of Insurance Commissioners for the use and benefit of the State, and declaring an emergency."

The Speaker then laid House Bill No. 94 before the House, it was read second time, and was passed to engrossment.

HOUSE BILL NO. 94 ON THIRD READING

Mr. Hartzog moved that the constitutional rule, requiring bills to be read on three several days, be suspended, and that House Bill No. 94 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—118

Adkins	Hardin
Alexander	Harrell
Alsup	Harris of Archer
Amos	Harris of Dallas
Baker	Harris of Dickens
Bates	Hartzog
Beckworth	Holland
Bell	Howard
Blankenship	Huddleston
Boethel	Hull
Bond	Jackson
Boyer	James
Bradbury	Johnson of Ellis
Bradford	Johnson
Bridgers	of Tarrant
Brown	Jones of Angelina
Burton	Jones of Atascosa
Cagle	Jones of Falls
Callan	Jones of Wise
Carssow	Keefe
Cathey	Keith
Cauthorn	Kelt
Celaya	Kenyon
Cleveland	Kern
Colquitt	King
Davis of Haskell	Knetsch
Davison of Fisher	Lankford
Davisson	Lanning
of Eastland	Loggins
Dean	London
Deglandon	Lucas
Derden	Mann
Dollins	Mauritz
England	McConnell
Farmer	McDonald
Feltv	McFarland
Fielden	McKinney
Gibson	Metcalfe
Graves	Monkhouse
Hamilton	Morris
Harbin	Morse

Newton	Simpson	Dollins	McKee
Nicholson	Smith of Hopkins	England	McKinney
Oliver	Smith	Farmer	Metcalf
Palmer	of Matagorda	Felty	Monkhouse
Patterson	Smith of Tarrant	Fielden	Morris
of Travis	Stinson	Gibson	Morse
Pope	Stocks	Graves	Newton
Powell	Talbert	Hamilton	Nicholson
Prescott	Tarwater	Harbin	Oliver
Ragsdale	Tennant	Hardin	Palmer
Reed of Bowie	Tennyson	Harper	Patterson of Mills
Reed of Dallas	Thornton	Harrell	Patterson
Rhodes	Vale	Harris of Archer	of Travis
Riddle	Wagoner	Harris of Dallas	Powell
Roark	Walker	Harris of Dickens	Prescott
Russell	Weldon	Hartzog	Quinn
Rutta	Westbrook	Holland	Ragsdale
Schuenemann	Winfree	Hoskins	Reader
Sharpe	Wood	Howard	Reed of Bowie
Shell	Worley	Huddleston	Reed of Dallas
	Absent	Hull	Rhodes
Broadfoot	Leyendecker	Jackson	Riddle
Davis of Jasper	Little	James	Roark
Dickison	Mays	Johnson of Ellis	Ross
Fox	McCracken	Johnson	Russell
Fuchs	McKee	of Tarrant	Rutta
Hanna	Patterson of Mills	Jones of Angelina	Schuenemann
Harner	Quinn	Jones of Atascosa	Sewell
Heflin	Reader	Jones of Falls	Sharpe
Herzik	Ross	Jones of Wise	Shell
Hoskins	Settle	Keefe	Simpson
Langdon	Sewell	Keith	Smith of Hopkins
Leath	Thornberry	Kelt	Smith
Leonard		Kern	of Matagorda
	Absent-Excused	King	Smith of Tarrant
Hankamer	Petsch	Knetsch	Stinson
Hyder	Skaggs	Langdon	Stocks
Moffett	Stevenson	Lanning	Talbert
		Little	Tarwater
The Speaker then laid House Bill		Loggins	Tennant
No. 94 before the House on its third		London	Tennyson
reading and final passage.		Lucas	Vale
The bill was read third time, and		Mann	Wagoner
was passed by the following vote:		Mauritz	Walker
	Yeas—126	Mavs	Weldon
Adkins	Brown	McConnell	Westbrook
Alexander	Burton	McCracken	Winfree
Alsup	Callan	McDonald	Wood
Amos	Carsow	McFarland	Worley
Baker	Cathey		
Bates	Cauthorn	Present—Not Voting	Herzik
Beckworth	Celaya	Cagle	
Bell	Colquitt	Cleveland	
Blankenship	Davis of Haskell		Absent
Boethel	Davis of Jasper	Davison of Fisher	Leath
Bond	Davison	Fox	Leonard
Boyer	of Eastland	Fuchs	Leyendecker
Bradbury	Dean	Hanna	Pope
Bradford	Deglandon	Heflin	Settle
Bridgers	Derden	Kenyon	Thornberry
Broadfoot	Dickison	Lankford	Thornton

Absent-Excused

Hankamer	Petsch
Hyder	Skaggs
Moffett	Stevenson

HOUSE BILL NO. 22 ON SECOND
READING

Mr. Thornton moved that the regular order of business be suspended, at this time, to take up and have placed on its second reading and its passage to engrossment,

H. B. No. 22, A bill to be entitled "An Act to amend Chapter 3 of the Acts of the Regular Session of the Thirty-ninth Legislature, the same being an Act entitled: 'An Act to aid the City of Galveston in elevating and raising said City so as to protect it from calamitous overflows by donating and granting to it the State ad valorem taxes and a part of the occupation and poll taxes collected on property and from persons in Galveston County for a period of ten years, and to provide a penalty for their misapplication', by extending the provision of said Act for a period of five years from September 1, 1938, and declaring an emergency."

The motion prevailed by the following vote:

Yeas—85

Amos	Hamilton
Baker	Harper
Bates	Harrell
Beckworth	Harris of Dickens
Bell	Herzik
Blankenship	Hoskins
Boethel	Howard
Boyer	Hull
Bradford	Jackson
Bridgers	James
Broadfoot	Jones of Angelina
Burton	Jones of Falls
Cagle	Jones of Wise
Callan	Kelt
Carssow	Kenyon
Cathey	Knetsch
Cauthorn	Langdon
Celaya	Lanning
Cleveland	Leath
Davis of Haskell	Leonard
Davis of Jasper	Leyendecker
Davisson	Little
of Eastland	Loggins
Deglandon	London
Derden	Lucas
Dickson	Mauritz
Farmer	Mays
Fuchs	McDonald

McFarland	Schuenemann
McKee	Settle
Metcalfe	Sewell
Monkhouse	Smith of Hopkins
Morse	Smith
Newton	of Matagorda
Oliver	Stinson
Pope	Stocks
Ragsdale	Talbert
Reader	Tennant
Reed of Dallas	Thornberry
Rhodes	Thornton
Riddle	Walker
Roark	Westbrook
Russell	Worley
Rutta	

Nays—37

Adkins	King
Alsup	Lankford
Bond	McConnell
Bradbury	McKinney
Davison of Fisher	Palmer
Dollins	Patterson of Mills
Felty	Patterson
Fielden	of Travis
Fox	Powell
Gibson	Prescott
Graves	Quinn
Harbin	Reed of Bowie
Hardin	Ross
Harris of Archer	Simpson
Huddleston	Tarwater
Johnson of Ellis	Tennyson
Johnson	Waggoner
of Tarrant	Weldon
Keith	Wood
Kern	

Present—Not Voting

Alexander	Jones of Atascosa
-----------	-------------------

Absent

Brown	Mann
Colquitt	McCracken
Dean	Morris
England	Nicholson
Hanna	Sharpe
Harris of Dallas	Shell
Hartzog	Smith of Tarrant
Heflin	Vale
Holland	Winfree
Keefe	

Absent-Excused

Hankamer	Petsch
Hyder	Skaggs
Moffett	Stevenson

PAIRED

Mr. Alexander (present), who would vote "nay", with Mr. Moffett (absent), who would vote "yea".

Mr. Jones of Atascosa (present), who would vote "nay", with Mr. Hankamer (absent), who would vote "yea".

The Speaker then laid House Bill No. 22 before the House, and it was read second time.

Mr. Alsup moved that House Bill No. 22 be laid on the table subject to call.

Question recurring on the motion to lay House Bill No. 22 on the table subject to call, yeas and nays were demanded.

The motion was lost by the following vote:

Yeas—39

Alsup	Kern
Bond	Langdon
Broadfoot	Lankford
Brown	McConnell
Cagle	Morris
Davison of Fisher	Palmer
Dollins	Patterson of Mills
Felty	Powell
Fielden	Quinn
Fuchs	Reed of Bowie
Graves	Reed of Dallas
Hardin	Ross
Harris of Archer	Simpson
Huddleston	Smith of Hopkins
Johnson of Ellis	Smith of Tarrant
Johnson	Tennant
of Tarrant	Thornberry
Jones of Falls	Waggoner
Jones of Wise	Weldon
Keith	Wood

Nays—93

Adkins	Deglandon
Amos	Derden
Baker	Dickison
Bates	Farmer
Beckworth	Fox
Blankenship	Hamilton
Boethel	Harbin
Boyer	Harper
Bradbury	Harrell
Bradford	Harris of Dallas
Burton	Harris of Dickens
Callan	Hartzog
Carsow	Heflin
Cathey	Herzik
Cauthorn	Hoskins
Celaya	Howard
Cleveland	Hull
Colquitt	James
Davis of Haskell	Jones of Angelina
Davis of Jasper	Keefe
Davisson	Kelt
of Eastland	Kenyon
Dean	King

Knetsch	Ragsdale
Lanning	Reader
Leonard	Rhodes
Leyendecker	Riddle
Little	Roark
Loggins	Russell
London	Rutta
Lucas	Schuenemann
Mann	Settle
Mauritz	Sewell
Mays	Sharpe
McDonald	Shell
McFarland	Smith
McKee	of Matagorda
McKinney	Stinson
Metcalfe	Stocks
Monkhouse	Talbert
Morse	Tarwater
Newton	Tennyson
Nicholson	Thornton
Oliver	Vale
Patterson	Walker
of Travis	Westbrook
Pope	Winfree
Prescott	Worley

Present—Not Voting

Alexander

Absent

Bell	Holland
Bridgers	Jackson
England	Jones of Atascosa
Gibson	Leath
Hanna	McCracken

Absent-Excused

Hankamer	Petsch
Hyder	Skaggs
Moffett	Stevenson

PAIRED

Mr. Alexander (present), who would vote "yea", with Mr. Moffett (absent), who would vote "nay".

Mr. Quinn moved that further consideration of House Bill No. 22 be postponed until 10:30 o'clock a. m., next Monday, February 22.

Mr. Harris of Dallas moved the previous question on the pending motion, and the passage of House Bill No. 22 to engrossment, and the main question was ordered.

Question recurring on the motion to postpone further consideration of House Bill No. 22, it was lost.

House Bill No. 22 was then passed to engrossment.

Mr. Thornton moved to reconsider the vote by which House Bill No. 22

was passed to engrossment, and to table the motion to reconsider.

The motion to table prevailed.

MOTIONS TO TAKE UP HOUSE BILL NO. 22

Mr. Thornton moved that the constitutional rule, requiring bills to be read on three several days, be suspended, and that House Bill No. 22 be placed on its third reading and final passage.

The motion was lost by the following vote (not receiving the necessary four-fifths vote):

Yeas—91

Adkins	Loggins
Alsup	London
Amos	Lucas
Baker	Mauritz
Bates	Mays
Beckworth	McCracken
Bell	McDonald
Blankenship	McFarland
Boethel	McKee
Boyer	McKinney
Bradford	Monkhouse
Bridgers	Morse
Burton	Newton
Cagle	Nicholson
Callan	Oliver
Carssow	Patterson
Cathey	of Travis
Cauthorn	Pope
Celaya	Prescott
Cleveland	Ragsdale
Colquitt	Reader
Davis of Haskell	Reed of Dallas
Davis of Jasper	Rhodes
Derden	Riddle
Dickison	Roark
Farmer	Russell
Fox	Rutta
Fuchs	Schuenemann
Harper	Settle
Harrell	Sewell
Harris of Dallas	Sharpe
Harris of Dickens	Shell
Hartzog	Smith of Hopkins
Heflin	Smith
Herzik	of Matagorda
Holland	Stinson
Hoskins	Stocks
Hull	Talbert
James	Tarwater
Jones of Angelina	Tennant
Kelt	Tennyson
Kenyon	Thornton
King	Vale
Knetsch	Walker
Lanning	Westbrook
Leonard	Winfree
Little	

Nays—39

Bond	Keefe
Bradbury	Keith
Brown	Kern
Deglandon	Langdon
Dollins	Lankford
England	Metcalfe
Felty	Morris
Fielden	Palmer
Gibson	Patterson of Mills
Graves	Powell
Hamilton	Quinn
Harbin	Reed of Bowie
Hardin	Ross
Harris of Archer	Simpson
Huddleston	Smith of Tarrant
Johnson of Ellis	Thornberry
Johnson	Waggoner
of Tarrant	Weldon
Jones of Falls	Wood
Jones of Wise	Worley

Absent

Alexander	Howard
Broadfoot	Jackson
Davison of Fisher	Jones of Atascosa
Davisson	Leath
of Eastland	Leyendecker
Dean	Mann
Hanna	McConnell

Absent-Excused

Hankamer	Petsch
Hyder	Skaggs
Moffett	Stevenson

Mr. Mauritz moved that the constitutional rule, requiring bills to be read on three several days, be suspended, and that House Bill No. 22 be placed on its third reading and final passage.

The motion was lost by the following vote (not receiving the necessary four-fifths vote):

Yeas—95

Adkins	Cauthorn
Amos	Celaya
Baker	Cleveland
Bates	Colquitt
Beckworth	Davis of Haskell
Bell	Davis of Jasper
Blankenship	Davisson
Boethel	of Eastland
Bond	Dean
Boyer	Deglandon
Bradford	Derden
Burton	Farmer
Cagle	Fox
Callan	Fuchs
Carssow	Hardin
Cathey	Harper

Harris of Dallas	Morse
Harris of Dickens	Newton
Heflin	Nicholson
Herzik	Oliver
Holland	Patterson
Hoskins	of Travis
Howard	Powell
Huddleston	Prescott
Hull	Ragsdale
James	Reader
Johnson	Reed of Dallas
of Tarrant	Rhodes
Jones of Angelina	Riddle
Jones of Atascosa	Roark
Jones of Wise	Ross
Keefe	Russell
Kenyon	Rutta
King	Settle
Knetsch	Sewell
Lanning	Smith
Leonard	of Matagorda
Little	Stinson
Loggins	Stocks
London	Talbert
Lucas	Tarwater
Mauritz	Tennant
Mays	Tennyson
McConnell	Thornberry
McCracken	Thornton
McDonald	Vale
McKee	Walker
McKinney	Westbrook
Metcalfe	Winfree
Monkhouse	

Nays—32

Alsup	Kelt
Bradbury	Kern
Bridgers	Langdon
Brown	Lankford
Dollins	Morris
England	Palmer
Felty	Patterson of Mills
Fielden	Quinn
Gibson	Reed of Bowie
Graves	Simpson
Hamilton	Smith of Hopkins
Harbin	Smith of Tarrant
Harris of Archer	Waggoner
Johnson of Ellis	Weldon
Jones of Falls	Wood
Keith	Worley

Absent

Alexander	Leath
Broadfoot	Leyendecker
Davison of Fisher	Mann
Dickison	McFarland
Hanna	Pope
Harrell	Schuenemann
Hartzog	Sharpe
Jackson	Shell

Absent-Excused

Hankamer	Petsch
Hyder	Skaggs
Moffett	Stevenson

MOTION TO PLACE HOUSE BILL
NO. 4 ON SECOND READING

Mr. Jones of Wise moved that the regular order of business be suspended, at this time, to take up and have placed on its second reading and its passage to engrossment,

H. B. No. 4, A bill to be entitled "An Act providing a title for the Act; providing for the imposition of a franchise tax; providing that certain corporations shall be exempt from the Act but requiring the exemption to be proven by the claimant; and repealing all existing exemptions or special credits; providing definitions for certain words, terms and phrases; providing certain deductions in computing net income; providing certain allowable deductions; providing a method of computing the net income of insurance corporations; providing for the use of fiscal or calendar accounting periods; providing for the filing of returns by taxpayers; providing for the computation of the tax of new corporations; providing for the use of inventories in determining net income; providing a basis for ascertaining gain or loss either from sale, exchange or other disposition of property; providing procedure relative to installment sales; providing for the computation of a minimum tax; providing methods of allocating the net income and minimum tax base of a corporation; providing that Secretary of State shall have power to determine income or assets in special cases; etc., and declaring an emergency."

The motion was lost by the following vote:

Yeas—57

Adkins	Davis of Haskell
Alsup	Davis of Jasper
Amos	Deglandon
Baker	Derden
Bates	Fielden
Beckworth	Graves
Bell	Hardin
Boethel	Harper
Bond	Harris of Archer
Bradbury	Holland
Brown	Huddleston
Cagle	Jones of Angelina
Cleveland	Jones of Wise

Keefe
Kelt
Kern
King
Langdon
Lankford
Lanning
Loggins
London
Lucas
McConnell
Metcalf
Oliver
Palmer
Patterson of Mills
Patterson
of Travis

Prescott
Ragsdale
Rhodes
Riddle
Roark
Ross
Russell
Simpson
Talbert
Tarwater
Thornberry
Weldon
Westbrook
Winfree
Worley

Nays—71

Blankenship
Boyer
Bradford
Bridgers
Burton
Callan
Carssow
Cauthorn
Celaya
Colquitt
Davisson
of Eastland
Dean
Dickison
Dollins
Farmer
Felty
Fox
Fuchs
Gibson
Hamilton
Harrell
Harris of Dallas
Harris of Dickens
Hartzog
Heflin
Herzik
Howard
Hull
James
Johnson of Ellis
Johnson
of Tarrant
Jones of Atascosa
Jones of Falls
Keith
Kenyon

Knetsch
Leonard
Little
Mays
McCracken
McDonald
McKee
McKinney
Monkhouse
Morse
Newton
Nicholson
Pope
Powell
Quinn
Reader
Reed of Bowie
Reed of Dallas
Rutta
Schuenemann
Settle
Sewell
Sharpe
Shell
Smith of Hopkins
Smith
of Matagorda
Smith of Tarrant
Stinson
Stocks
Tennant
Tennyson
Thornton
Vale
Waggoner
Walker
Wood

Present—Not Voting

Morris

Harbin

Absent

Alexander
Broadfoot
Cathey

Davison of Fisher
England
Hanna

Hoskins
Jackson
Leath
Leyendecker

Mann
Mauritz
McFarland

Absent-Excused

Hankamer
Hyder
Moffett

Petsch
Skaggs
Stevenson

PAIRED

Mr. Morris (present), who would vote "yea", with Mr. Hankamer (absent), who would vote "nay".

HOUSE BILL NO. 53 ON SECOND READING

Mr. Bradbury moved that the regular order of business be suspended, at this time, to take up and have placed on its second reading and its passage to engrossment,

H. B. No. 53, A bill to be entitled "An Act repealing Chapter 10 of the Laws of the Forty-third Legislature, First Called Session, being House Bill No. 12, pages 32-41 of the General and Special Laws of the Forty-third Legislature, First Called Session, and reenacting Articles 645, 647, 648, 649, 650 and 651 of the Penal Code of the State of Texas, to prohibit the buying and selling of pools or receiving or making bets on horse racing and to provide a penalty for its violation, and declaring an emergency."

The motion prevailed by the following vote:

Yeas—84

Alexander
Alsup
Amos
Baker
Bates
Beckworth
Bell
Blankenship
Bond
Boyer
Bradbury
Broadfoot
Brown
Burton
Cagle
Cathey
Cleveland
Davis of Haskell
Davis of Jasper
Davisson
of Eastland
Dean
Deglandon

Derden
England
Fielden
Fox
Gibson
Graves
Harbin
Harrell
Harris of Archer
Harris of Dallas
Harris of Dickens
Heflin
Holland
Johnson of Ellis
Jones of Atascosa
Jones of Wise
Keefe
Keith
Kelt
Kenyon
Kern
King
Langdon

Lankford	Ross
Lanning	Russell
Leonard	Rutta
Loggins	Settle
London	Sewell
Lucas	Smith of Hopkins
Mays	Smith
McConnell	of Matagorda
McDonald	Smith of Tarrant
McKinney	Stocks
Metcalfe	Talbert
Morris	Tennant
Newton	Tennyson
Palmer	Thornberry
Patterson of Mills	Thornton
Powell	Waggoner
Prescott	Walker
Reed of Dallas	Westbrook
Riddle	Wood
Roark	Worley

Nays—49

Adkins	Jones of Falls
Boethel	Knetsch
Bradford	Leath
Bridgers	McCracken
Callan	McKee
Carssow	Monkhouse
Cauthorn	Morse
Celaya	Nicholson
Colquitt	Patterson
Dickison	of Travis
Dollins	Pope
Farmer	Quinn
Felty	Ragsdale
Fuchs	Reader
Hamilton	Reed of Bowie
Hardin	Rhodes
Harper	Schuenemann
Hartzog	Sharpe
Hoskins	Shell
Howard	Simpson
Huddleston	Stinson
Hull	Tarwater
James	Vale
Johnson	Weldon
of Tarrant	Winfree
Jones of Angelina	

Present—Not Voting

Jackson	Oliver
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Absent

Davison of Fisher	Little
Hanna	Mann
Herzik	Mauritz
Leyendecker	McFarland

Absent—Excused

Hankamer	Petsch
Hyder	Skaggs
Moffett	Stevenson

PAIRED

Mrs. Jackson (present) who would vote "nay" with Mr. Moffett (absent) who would vote "yea."

The Speaker then laid House Bill No. 53 before the House, and it was read second time.

Question—Shall House Bill No. 53 pass to engrossment?

RECESS

Mr. Quinn moved that the House recess to 2:00 o'clock p. m., today.

Mr. Leonard moved that the House adjourn until 10:00 o'clock a. m., tomorrow.

Question first recurring on the motion by Mr. Leonard, it was lost.

Question next recurring on the motion by Mr. Quinn, it prevailed, and the House, accordingly, at 12:20 o'clock p. m., took recess to 2:00 o'clock p. m., today.

AFTERNOON SESSION

The House met at 2:00 o'clock p. m., and was called to order by the Speaker.

BILL SIGNED BY THE SPEAKER

The Speaker signed, in the presence of the House, after giving due notice thereof, and its caption had been read, the following enrolled bill:

H. B. No. 88, "An Act creating a closed season upon certain fish in Harrison and Marion Counties, Texas, and making it unlawful to in anywise take or catch such fish during such closed season, or to have such fish in possession during such closed season; describing such penalty for violation of this Act."

HOUSE BILL NO. 89 WITH SENATE AMENDMENTS

Mr. Harper called up from the Speaker's table, with Senate amendments, for consideration of the amendments,

H. B. No. 89, A bill to be entitled "An Act making it unlawful to take or kill wild deer or wild turkey in the Counties of Harrison, Marion, Cass, or Bowie for a period of five (5) years; describing penalty for violation of this Act, and declaring an emergency."

The Speaker laid the bill before the House with the Senate amendments.

On motion of Mr. Harper, the House concurred in the Senate amendments.

BILL RECOMMITTED

On motion of Mr. Beckworth, House Bill No. 137 was recommitted to the Committee on Education.

COMMITTEE IN REGARD TO ALLEGED DISCRIMINATION IN CRUDE OIL PRICES

The Speaker announced the appointment of the following committee on the part of the House to investigate alleged discrimination in the prices of crude oil: Mr. Metcalfe, Mr. Petsch and Mr. Bell.

HOUSE BILL NO. 53 ON PASSAGE TO ENGROSSMENT

The House resumed consideration of pending business, same being House Bill No. 53, to prohibit the buying and selling of pools or making bets on horse racing, on its passage to engrossment.

The bill having been read second time on this morning.

(Mr. Roark in the Chair.)

Mr. Bond moved the previous question on the passage of House Bill No. 53 to engrossment, and the motion was not seconded.

Mr. Winfree moved that House Bill No. 53 be laid on the table subject to call.

Mr. Smith of Tarrant moved a call of the House for the purpose of maintaining a quorum, pending consideration of House Bill No. 53, and the call was duly ordered.

The roll of the House was called, and a quorum was announced present.

Question recurring on the motion to lay House Bill No. 53 on the table subject to call, yeas and nays were demanded.

The motion was lost by the following vote:

Yeas—38

Boethel	Dickison
Bradford	Dollins
Bridgers	Felty
Broadfoot	Fuchs
Carssow	Harper
Cauthorn	Hartzog
Celaya	Herzik
Colquitt	Hoskins

Howard
James
Jones of Falls
Kenyon
Knetsch
Mann
McCracken
McKee
Monkhouse
Morse
Nicholson
Oliver

Patterson
of Travis
Ragsdale
Reader
Reed of Bowie
Schuenemann
Shell
Simpson
Tarwater
Vale
Winfree

Nays—93

Adkins
Alexander
Alsup
Amos
Baker
Bates
Beckworth
Bell
Blankenship
Bond
Boyer
Bradbury
Brown
Burton
Cagle
Callan
Cathey
Cleveland
Davis of Haskell
Davis of Jasper
Davison of Fisher
Davisson
of Eastland
Dean
Deglandon
Derden
England
Farmer
Fielden
Fox
Gibson
Graves
Hamilton
Harbin
Hardin
Harrell
Harris of Archer
Harris of Dallas
Harris of Dickens
Heflin
Holland
Huddleston
Johnson of Ellis
Johnson
of Tarrant
Jones of Angelina
Jones of Atascosa
Jones of Wise
Keefe
Keith

Kelt
Kern
King
Langdon
Lankford
Lanning
Leonard
Leyendecker
Little
Loggins
London
Lucas
Mauritz
Mays
McConnell
McDonald
McFarland
Metcalfe
Morris
Newton
Palmer
Patterson of Mills
Powell
Prescott
Quinn
Reed of Dallas
Rhodes
Riddle
Ross
Russell
Rutta
Settle
Sewell
Sharpe
Smith of Hopkins
Smith
of Matagorda
Smith of Tarrant
Stocks
Talbert
Tennant
Tennyson
Thornberry
Thornton
Waggoner
Walker
Weldon
Westbrook
Wood
Worley

Present—Not Voting

Jackson

Absent

Hanna

Pope

Hull

Roark

Leath

Stinson

McKinney

Absent—Excused

Hankamer

Petsch

Hyder

Skaggs

Moffett

Stevenson

PAIRED

Mr. Jackson (present) who would vote "yea" with Mr. Moffett (absent) who would vote "nay".

House Bill No. 53 was then passed to engrossment by the following vote:

Yeas—110

Adkins

Heflin

Alexander

Holland

Alsup

Huddleston

Amos

Hull

Baker

James

Bates

Johnson of Ellis

Beckworth

Johnson

Bell

of Tarrant

Blankenship

Jones of Angelina

Boethel

Jones of Atascosa

Bond

Jones of Wise

Boyer

Keefe

Bradbury

Keith

Brown

Kelt

Burton

Kern

Cagle

King

Callan

Langdon

Carssow

Lankford

Cathey

Lanning

Cleveland

Leath

Davis of Haskell

Leonard

Davis of Jasper

Leyendecker

Davison of Fisher

Little

Davisson

Loggins

of Eastland

London

Dean

Lucas

Deglandon

Mauritz

Derden

Mays

Dickison

McConnell

England

McDonald

Farmer

McFarland

Fielden

McKinney

Fox

Metcalf

Gibson

Monkhouse

Graves

Morris

Hamilton

Newton

Harbin

Oliver

Hardin

Palmer

Harper

Patterson of Mills

Harrell

Powell

Harris of Archer

Prescott

Harris of Dallas

Quinn

Harris of Dickens

Reed of Bowie

Reed of Dallas

Rhodes

Riddle

Ross

Russell

Rutta

Settle

Sewell

Sharpe

Shell

Smith of Hopkins

Smith

of Matagorda

Stinson

Stocks

Talbert

Tarwater

Tennant

Tennyson

Thornberry

Thornton

Waggoner

Walker

Weldon

Westbrook

Wood

Worley

Nays—27

Bradford

Knetsch

Broadfoot

Mann

Cauthorn

McCracken

Celaya

McKee

Colquitt

Morse

Dollins

Nicholson

Felty

Patterson

Fuchs

of Travis

Hartzog

Pope

Herzik

Ragsdale

Hoskins

Reader

Howard

Schuenemann

Jones of Falls

Simpson

Kenyon

Vale

Present—Not Voting

Jackson

Winfree

Absent

Bridgers

Roark

Hanna

Smith of Tarrant

Absent—Excused

Hankamer

Petsch

Hyder

Skaggs

Moffett

Stevenson

PAIRED

Mr. Jackson (present), who would vote "nay", with Mr. Moffett (absent), who would vote "yea".

HOUSE BILL NO. 53 ON THIRD READING

Mr. Bradbury moved that the constitutional rule, requiring bills to be read on three several days, be suspended, and that House Bill No. 53 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—112

Adkins

Baker

Alexander

Bates

Alsup

Beckworth

Amos

Bell

Blankenship	Langdon
Boethel	Lankford
Bond	Lanning
Boyer	Leath
Bradbury	Leonard
Broadfoot	Leyendecker
Brown	Little
Burton	Loggins
Cagle	London
Callan	Lucas
Carssow	Mauritz
Cathey	Mays
Cleveland	McConnell
Davis of Haskell	McDonald
Davis of Jasper	McFarland
Davison of Fisher	McKinney
Davisson	Metcalfe
of Eastland	Monkhouse
Dean	Morris
Deglandon	Newton
Derden	Oliver
Dickison	Palmer
England	Patterson of Mills
Farmer	Powell
Fielden	Prescott
Fox	Reed of Bowie
Gibson	Reed of Dallas
Graves	Rhodes
Hamilton	Riddle
Harbin	Ross
Hardin	Russell
Harper	Rutla
Harrell	Settle
Harris of Archer	Sewell
Harris of Dallas	Sharpe
Harris of Dickens	Smith of Hopkins
Heflin	Smith
Holland	of Matagorda
Huddleston	Smith of Tarrant
Hull	Stinson
James	Stocks
Johnson of Ellis	Talbert
Johnson	Tarwater
of Tarrant	Tennant
Jones of Angelina	Tennyson
Jones of Atascosa	Thornberry
Jones of Falls	Thornton
Jones of Wise	Waggoner
Keefe	Walker
Kelt	Weldon
Kenyon	Westbrook
Kern	Wood
King	Worley

Nays—26

Cauthorn	Howard
Celaya	Keith
Colquitt	Knetsch
Dollins	Mann
Felty	McCracken
Fuchs	McKee
Hartzog	Morse
Herzik	Nicholson
Hoskins	

Patterson	Reader
of Travis	Schuenemann
Pope	Shell
Quinn	Simpson
Ragsdale	Vale

Present—Not Voting

Bradford	Winfree
Jackson	

Absent

Bridgers	Roark
Hanna	

Absent—Excused

Hankamer	Petsch
Hyder	Skaggs
Moffett	Stevenson

PAIRED—

Mr. Bradford (present), who would vote "nay", with Mr. Hyder (absent), who would vote "yea".

Mr. Jackson (present), who would vote "nay", with Mr. Moffett (absent), who would vote "yea".

The Chair then laid House Bill No. 53 before the House on its third reading and final passage.

The bill was read third time, and was passed by the following vote:

Yeas—109

Adkins	Derden
Alexander	Dickison
Alsup	England
Amos	Farmer
Baker	Fielden
Bates	Fox
Beckworth	Gibson
Bell	Graves
Blankenship	Hamilton
Boethel	Harbin
Bond	Hardin
Boyer	Harrell
Bradbury	Harris of Archer
Broadfoot	Harris of Dallas
Brown	Harris of Dickens
Burton	Heflin
Cagle	Holland
Callan	Huddleston
Carssow	Hull
Cathey	James
Cauthorn	Johnson of Ellis
Cleveland	Johnson
Davis of Haskell	of Tarrant
Davis of Jasper	Jones of Angelina
Davison of Fisher	Jones of Atascosa
Davisson	Jones of Wise
of Eastland	Keefe
Dean	Keith
Deglandon	Kelt

Kern	Reed of Dallas
King	Rhodes
Langdon	Riddle
Lankford	Ross
Lanning	Russell
Leath	Rutta
Leonard	Settle
Leyendecker	Sewell
Little	Sharpe
Loggins	Smith of Hopkins
London	Smith
Lucas	of Matagorda
Mauritz	Smith of Tarrant
Mays	Stinson
McConnell	Stocks
McDonald	Talbert
McKinney	Tarwater
Metcalfe	Tennant
Monkhouse	Tennyson
Morris	Thornberry
Newton	Thornton
Oliver	Waggoner
Palmer	Walker
Patterson of Mills	Weldon
Powell	Westbrook
Prescott	Wood
Reed of Bowie	Worley

Nays—25

Celaya	McCracken
Colquitt	McKee
Dollins	Morse
Felty	Nicholson
Fuchs	Patterson
Hartzog	of Travis
Herzik	Pope
Hoskins	Quinn
Howard	Ragsdale
Jones of Falls	Reader
Kenyon	Schuenemann
Knetsch	Simpson
Mann	Vale

Present—Not Voting

Bradford	Winfree
Jackson	

Absent

Bridgers	McFarland
Hanna	Roark
Harper	Shell

Absent—Excused

Hankamer	Petsch
Hyder	Skaggs
Moffett	Stevenson

PAIRED

Mr. Bradford (present), who would vote "nay", with Mr. Hyder (absent), who would vote "yea".

Mr. Jackson (present), who would vote "nay", with Mr. Moffett (absent), who would vote "yea".

Mr. Riddle moved to reconsider the vote by which House Bill No. 53 was passed, and to table the motion to reconsider.

The motion to table prevailed.

REASONS FOR VOTE

I vote no, because of the vast investments that have been made in race tracks and equipment in my county. I think gambling should have never been legalized but now that it is, I think in all fairness that the people that have made heavy investments because of the law, should have an opportunity to recover at least their investment.

MANN.

I do not believe in legalized gambling, but due to the fact that the Legislature, a few years ago before I became a Member, legalized horse racing, and numerous citizens of the State have invested millions of dollars in this State for these plants that to repeal horse racing at this time would be virtually confiscation of this property. These people should be allowed to at least run for another year or two, in order to get back at least a part of their investment.

JONES of Falls.

HOUSE BILL NO. 48 ON SECOND READING

Mr. Winfree moved that the regular order of business be suspended, at this time, to take up and have placed on its second reading and passage to engrossment,

H. B. No. 48, A bill to be entitled "An Act creating a system of Old Age Assistance in Texas, placing restrictions on the granting of such assistance; creating the Texas Old Age Assistance Commission; prescribing their terms of office, qualifications and duties; fixing their salaries; providing for the appointment of an Executive Director to the Old Age Assistance Commission and a Chief Auditor; prescribing qualifications, duties and salaries of such Executive Director and Chief Auditor; providing for applications by those entitled to old age assistance and the hearing of same by the county judge of the county wherein the applicant resides; and providing for the selection and

appointment of necessary personnel; providing for the filing of an application for assistance by the applicants therefor and the necessary information required; providing for the investigation of such applications and the order thereon, for appeal to the Commission and courts and hearings therein; etc., and declaring an emergency."

The motion prevailed by the following vote:

Yeas—91

Adkins	Kern
Alsup	King
Amos	Langdon
Bates	Lankford
Beckworth	Lanning
Bell	Leath
Boethel	Leyendecker
Boyer	Little
Bradbury	Loggins
Brown	London
Callan	Lucas
Carssow	Mann
Cathey	Mays
Cleveland	McConnell
Colquitt	McDonald
Davis of Haskell	McKee
Davis of Jasper	Monkhouse
Davison	Newton
of Eastland	Oliver
Dean	Palmer
Deglandon	Patterson of Mills
Derden	Pope
Dickison	Powell
Dollins	Prescott
Farmer	Quinn
Fielden	Ragsdale
Fuchs	Reader
Hamilton	Reed of Bowie
Harbin	Reed of Dallas
Hardin	Rhodes
Harper	Riddle
Harrell	Ross
Harris of Dallas	Settle
Harris of Dickens	Sewell
Heflin	Sharpe
Herzik	Shell
Holland	Simpson
Howard	Smith of Hopkins
Huddleston	Smith of Tarrant
James	Stocks
Johnson of Ellis	Talbert
Jones of Angelina	Tarwater
Jones of Atascosa	Waggoner
Keefe	Weldon
Kelt	Westbrook
Kenyon	Winfree

Nays—42

Alexander	Bond
Baker	Bradford
Blankenship	Bridgers

Burton	Mauritz
Cagle	McFarland
Cauthorn	McKinney
Celaya	Metcalfe
Davison of Fisher	Morris
England	Morse
Felty	Nicholson
Fox	Patterson
Gibson	of Travis
Graves	Rutta
Harris of Archer	Smith
Hartzog	of Matagorda
Hoskins	Stinson
Hull	Tennant
Johnson	Tennyson
of Tarrant	Thornton
Jones of Falls	Walker
Jones of Wise	Wood
Keith	Worley
Knetsch	

Absent

Broadfoot	Roark
Hanna	Russell
Jackson	Schuenemann
Leonard	Thornberry
McCracken	Vale

Absent-Excused

Hankamer	Petsch
Hyder	Skaggs
Moffett	Stevenson

Mr. Bond moved that the House adjourn until 10:00 o'clock a. m., tomorrow.

Question recurring on the motion to adjourn, yeas and nays were demanded.

The motion was lost by the following vote:

Yeas—46

Alexander	Hoskins
Alsup	Howard
Baker	Hull
Bell	Johnson
Blankenship	of Tarrant
Bond	Jones of Atascosa
Boyer	Jones of Falls
Burton	Jones of Wise
Cagle	Keith
Carssow	Kelt
Cauthorn	Kern
Celaya	McCracken
Colquitt	McKinney
Dean	Metcalfe
Dollins	Morris
England	Morse
Felty	Nicholson
Fox	Settle
Gibson	Smith
Graves	of Matagorda
Harris of Archer	Stinson
Hartzog	Tennant

Thornberry
Thornton

Wood
Worley

Nays—85

Adkins	Little
Amos	Loggins
Bates	London
Beckworth	Lucas
Boethel	Mann
Bradbury	Mauritz
Bradford	Mays
Brown	McConnell
Callan	McDonald
Cathey	McFarland
Cleveland	McKee
Davis of Haskell	Monkhouse
Davis of Jasper	Newton
Davisson	Oliver
of Eastland	Palmer
Deglandon	Patterson of Mills
Derden	Patterson
Dickson	of Travis
Farmer	Pope
Fielden	Powell
Fuchs	Prescott
Hamilton	Quinn
Harbin	Ragsdale
Hardin	Reader
Harper	Reed of Bowie
Harrell	Reed of Dallas
Harris of Dallas	Rhodes
Harris of Dickens	Ross
Heflin	Russell
Herzik	Rutta
Holland	Sewell
Huddleston	Sharpe
James	Simpson
Johnson of Ellis	Smith of Hopkins
Jones of Angelina	Stocks
Keefe	Talbert
Kenyon	Tarwater
King	Tennyson
Knetsch	Waggoner
Langdon	Walker
Lankford	Weldon
Lanning	Westbrook
Leath	Winfree
Leyendecker	

Absent

Bridgers	Riddle
Broadfoot	Roark
Davison of Fisher	Schuenemann
Hanna	Shell
Jackson	Smith of Tarrant
Leonard	Vale

Absent-Excused

Hankamer	Petsch
Hyder	Skaggs
Moffett	Stevenson

The Chair then laid House Bill No. 48 before the House, and it was read second time.

Mr. Farmer offered committee amendment to the bill, as follows:

Amend House Bill No. 48, by striking out all below the enacting clause and substitute in lieu thereof the following:

Section 1. Subject to the provisions of this Act each actual bona fide citizen of Texas over the age of sixty-five (65) years, shall be entitled to financial old-age assistance.

Sec. 2. Old-age assistance shall be granted under this Act to any person who:

(a). Is over the age of sixty-five (65) years;

(b). Is a citizen of the United States, and an actual bona fide citizen of the State of Texas;

(c). Is not an habitual drunkard; while such habitual drunkard;

(d). Is not an inmate of any State supported institution; while such inmate;

(e). Is not an habitual criminal;

(f). Has resided in the State of Texas for a length of actual residence for five years during the nine years immediately preceding the date of the application for old-age assistance and continuously for one year immediately preceding such application.

The term "residence" and "resided" as used in this Act shall denote actual physical presence within this State as distinguished from the word "domicile" and "residence" as used in their broader meaning.

(g). Has not made any voluntary assignment or transfer of property for the purpose of qualifying for such old-age assistance;

(h). Has a net income, if a single person, from any and all sources not exceeding Three Hundred Sixty Dollars (\$360.00) per year; or if married and living with husband or wife has a combined net income from all sources not exceeding Seven Hundred Twenty Dollars (\$720.00) per year.

Gifts and support from relatives and friends to the amount of Two Hundred Dollars (\$200.00) per year to each one shall not be counted as a part of the net income of the applicant.

(i). Does not own property real, personal, or mixed, the fair value of

which taking into consideration assessed valuations for the State and County tax purposes less all incumbrances and liens, exceeds, if single, Three Thousand Dollars (\$3,000.00) or if married, does not own property real, personal, or mixed the fair value of which taking into consideration assessed valuation for State and County tax purposes less all incumbrances and liens, exceed Six Thousand Dollars (\$6,000.00); and who do not have cash exceeding the sum of Three Hundred Dollars (\$300.00) each.

(j). Who is a "needy" person as defined in Section 19 hereof, and has no husband or wife, with whom he or she may be living, able to support him or her. Provided, that the fact that the applicant may have a child or children or other relatives who may be able to support the applicant, shall not be considered in passing upon the said application.

Sec. 3. In addition to the duties now imposed by law on them, the State Board of Control is hereby charged with the duty of administering this Act; and, for the purpose of administering the provisions of this Act, the State Board of Control shall be known as and shall constitute the Texas Old Age Assistance Commission. Whenever the word "Commission" is used in this Act, it shall mean the Texas Old Age Assistance Commission, which shall be composed of the members of the Board of Control. As members of the Texas Old Age Assistance Commission, each member of the Board of Control shall be compensated, in addition to the compensation they now receive by law, on the basis of One Thousand Two Hundred Dollars (\$1,200.00) per year, which shall be paid in equal monthly installments out of the Old Age Assistance Fund herein created. Members of the Commission shall be entitled to reasonable necessary expenses incurred in the discharge of official duties as members of the Old Age Assistance Commission, such allowance however shall not exceed the sum fixed by law for other State officials in the discharge of similar duties.

Each member of the Board of Control shall give bond in form prescribed by the Attorney General in the sum of Ten Thousand Dollars (\$10,000.00), payable to and to be approved by the

Governor, and conditioned for the faithful performance of his duties as a member of the Old Age Assistance Commission. The premium on such bonds shall be paid out of the funds herein appropriated for operating expenses, and any recovery on such bonds shall inure to the benefit of the Texas Old Age Assistance Fund.

Sec. 4. (a). As soon after the qualification of the members of the Texas Old Age Assistance Commission as practicable, they shall select and appoint an Executive Director to the Texas Old Age Assistance Commission who shall be not less than thirty-five (35) years of age at the date of his appointment, who is a resident citizen of the State of Texas, and who has resided within the State for at least ten (10) years preceding the date of his appointment, and he shall not be an occupant of any elective State office at the time of his appointment nor have occupied any elective State office during the six (6) months next preceding the date of his said appointment, and who shall be paid an annual salary of Four Thousand Dollars (\$4,000.00) in equal monthly installments.

The Commission shall also appoint a Chief Auditor who shall be paid an annual salary of Four Thousand Dollars (\$4,000.00) in equal monthly installments.

The Executive Director and the Chief Auditor shall take the constitutional oath of office and shall make and execute a bond in form prescribed by the Attorney General, payable to the Governor of Texas, in the sum of Thirty Thousand Dollars (\$30,000.00) conditioned upon their faithful performance of the duties imposed upon them by law. The premiums on such bonds shall be paid out of the funds herein appropriated for operating expenses, and any recovery on such bonds shall inure to the benefit of the Texas Old Age Assistance Fund.

(b). The Executive Director to the Texas Old Age Assistance Commission shall be the Chief Administrative Officer of such Commission. He shall have the power to recommend to the Commission the appointment of such assistants, clerks, stenographers, auditors, bookkeepers, and such other clerical assistants as may be necessary in the administration of the duties imposed upon such Commission within the limits of the appropriations

that may be made for the work of said Commission; and he likewise shall have the power to recommend the dismissal of any such employees to the Commission; but the Commission shall have the sole power of appointment and discharge of such employees.

The salaries of all such employees shall be fixed by the Commission in keeping with the salaries paid other State employees performing like work, and holding similar positions until such salaries are fixed by the Legislature.

Sec. 5. (a). Citizens claiming such assistance under the terms of this Act shall make application for same in writing and under oath and file the same with the County Clerk of his or her County. Such application shall be prepared in triplicate, and all of said copies shall be filed with the County Clerk.

(b). Upon the filing of said application, the County Clerk shall docket said cause in a bound book provided for that purpose which shall be known as the "Old Age Assistance Docket". Upon filing of said application, the County Clerk shall forthwith transmit one of the copies of such application to the County Judge of said County, who shall set a date for hearing said application within thirty (30) days after being filed with the County Clerk.

(c). In the event that the county judge, upon hearing the evidence, is satisfied as to the correctness of the facts set forth in said application and that said application meets the requirements of this Act, he shall endorse his approval on said application, and note same upon the "Old Age Assistance Docket".

(d). In the event the county judge is dissatisfied with the application or the facts therein alleged, and the evidence, he shall set same for further hearing, and shall have authority to subpoena witnesses, to interrogate them, and to make such investigations as the said county judge may deem proper.

(e). Upon the approval of such application by the County Judge as herein set out, the County Clerk shall transmit said application, together with the approval of the County Judge, to the Texas Old Age Assistance Commission. A certificate

of the clerk shall accompany said application and order of approval, and said certificate shall set forth all facts necessary to show that said applicant is authentic and has been duly approved by the County Judge.

(f). In the event that any application so filed and presented to the County Judge is disapproved and rejected by the County Judge, such applicant shall be entitled to and shall have an opportunity to present his application on appeal to the Texas Old Age Assistance Commission, who shall give a full and fair hearing to such applicant; and in the event such director finds that the county judge has erred in his conclusions, then such application shall stand approved and shall be placed upon the rolls of those entitled to old age assistance as hereinafter provided. The Texas Old Age Assistance Commission shall have the power and authority to reject any application certified to it, if in its judgment the county judge has erred in his approval.

(g). Upon receipt of the application, order of approval and certificate as required in subsection (e) hereof, the director shall carefully examine the same, and if found to be correct and in compliance with law, he shall file the same, approve the application, and place the name of such applicant upon the roll of those entitled to old age assistance as provided in this Act. In the event the director finds that said application is defective in any respect or fails to meet the requirements of the law, such application, order of approval and certificate shall be returned to the County Clerk transmitting the same. A letter shall accompany such application, order of approval and certificate setting forth wherein same fails to meet such requirements, and same shall be subject to amendment and correction. A copy of such letter shall be sent by the director to the applicant at the address in such application.

(h). An applicant whose application for relief has been rejected may within thirty days appeal from the decision of the Commission to the District Court of the County in which the application was filed by serving a ten days' notice of such appeal upon the executive director, or upon any member of the Commission, in the manner required for service of an original notice. Upon service of such

notice, the Commission shall furnish the applicant a copy of the application, a copy of all supporting papers, a transcript of the testimony and a copy of its decision. The Court shall hear and determine said application on its merits. The District Court may either affirm or reverse the decision of the Commission appealed from, and enter such order as may be proper; and said order and judgment of the District Court shall be final. An applicant whose application for relief has been rejected may not re-apply for relief until the expiration of twelve months from the date of the previous application.

Sec. 6. The expenses of administering this Act shall never exceed three per cent (3%) of the total amount of State funds expended for Old Age Assistance; provided however, that the Texas Old Age Assistance Commission is empowered to accept any funds appropriated and allocated to the State of Texas for administrative expense by the Federal Government or the Social Security Board, and same may be expended for administrative purposes in addition to that allowed for administrative purposes out of State Funds expended.

Sec. 7. The application for Old Age Assistance shall be upon forms prescribed by said Commission, in accordance with the requirements of this Act, and shall be duly sworn to before some officer authorized by the laws of this State to administer oaths and using a seal. Such application shall give the following information:

(a). The name, age, race and/or nationality and length of residence in Texas of the applicant; whether he is a citizen by birth or naturalization; whether married or unmarried, a widow or widower.

(b). A statement of any property, real or personal, the applicant owns or has any interest in, giving the cost of same when purchased and whether incumbered or not, and if incumbered, giving the date the lien was created, and the amount outstanding and unpaid at the time of the filing of the application.

(c). It must contain a full and complete statement of all earnings of the applicant for the one (1) year immediately preceding the application.

(d). If the applicant owns real estate within the preceding two (2)

years, the application must state when sold, or otherwise disposed of, giving the date of the transfer, where same is located and the amount received therefor.

If the applicant owned personal property over the value of One Thousand Dollars (\$1,000.00) during the two years prior to the date of the application for Old Age Assistance a complete description of such property must be given in the application together with a statement as to what disposition was made of same.

If personal property was stocks and bonds, then the application must state the company or person from whom purchased, and to whom such was sold together with a full description of such personal property with the date of the transfer and the price obtained, and what disposition was made of the money derived therefrom.

(e). If receiving aid from any source, the amount received and from whom, or if such aid be not in cash money, then a description of such aid tendered, together with the name of the source of such aid and from whom; the amount received from the United States Government, State or County, public or private charitable organizations, corporations, or private individuals.

(f). Whether the applicant is an inmate of any State supported institution, and if so what institution.

(g). The names of at least two credible references who are in position to confirm the information given in the application for Old Age Assistance.

Sec. 8. When the Texas Old Age Assistance Commission has been notified of the dissatisfaction of any applicant with the action of the County Judge on his application, the said Commission shall command the County Judge to transmit to the Commission the originals or certified copies of all records, affidavits, instruments, testimony taken, or other evidence taken in connection with such application. And it is hereby made the duty of the County Judge to obey the command of the Commission, and the failure on his part to do so shall be sufficient cause for his removal from office.

The Commission shall make a full and complete examination of the record before it and if, after such examination the Commission is of the

opinion that the aid or assistance should be allowed, the said Commission shall enter an order allowing such assistance.

If the application is rejected on appeal, by the Commission then the applicant may proceed as provided in sub-section (h) of Section 5 hereof.

Sec. 9. (a). The amount of Old Age Assistance, or aid from State funds that may be paid to any applicant, who has qualified under the terms of this Act, shall never exceed the sum of Fifteen Dollars (\$15.00) per month, and in addition thereto such funds as the Federal Government may appropriate and allocate to the State of Texas from time to time, shall be distributed pro rata among recipients of assistance in like manner as State funds are paid under the terms of this Act; it is further provided, that the amount of additional taxes to be raised by this Act shall provide together with the taxes already being collected an amount in excess of Nine Dollars (\$9.00) per month for each eligible person entitled to assistance under this Act; and Nine Dollars (\$9.00) as a minimum shall be paid to each of said old persons who are entitled to said old age assistance, and this shall be in addition to that supplied by the Federal Government.

Sec. 10. The Legislature shall provide from time to time out of its tax and revenue bills, or from other funds available for the purpose of allocation, or from part or all of certain taxes, fees or other revenue, or by other maintenance, necessary and adequate funds for carrying out the provisions of this Act, and in each instance the Legislature shall specify that such sums as designated shall be placed by the Treasurer of the State of Texas in a fund known as the "Texas Old Age Assistance Fund", and the account shall be kept by said State Treasurer of all funds allocated to and paid out of such fund under the terms of this Act.

Sec. 11. (a). If at any time an Old Age Assistance recipient becomes disqualified under any of the provisions of Section 2 of this Act to receive such assistance, such facts shall be reported to the Commission of Old Age Assistance and such Commission shall be furnished with any information or evidence pertaining thereto, whereupon the Commission of Old Age Assistance shall notify the recipient

thereof that a hearing will be held, at which time said recipient shall show cause why his aid should not be discontinued, and if, upon such hearing, it is established that such recipient has become disqualified under Section 2 of this Act, said Commission shall enter an order discontinuing aid to such recipient and shall give written notice thereof to the State Comptroller of Public Accounts.

(b). Whenever the circumstances of an Old Age Assistance recipient become changed so that he may be again qualified then he may make another application anew as he did at the time of his first application, showing the true facts as they again exist entitling him or her to old age assistance.

Should any application be finally rejected, and after twelve months the circumstances of the applicant so change that he may become eligible for old age assistance, he may again make another application and show his eligibility.

All applications shall be promptly considered and order of approval or disapproval entered thereon within sixty days after the filing of the application. The failure of the County Judge to proceed promptly shall be cause for the applicant to apply to the District Court of the district for a writ of mandamus commanding the County Judge to proceed to act on the application; and the District Court is hereby clothed with jurisdiction to proceed in this manner in such cases.

In case the application is allowed the applicant shall become entitled to his monthly installments due under the Old Age Assistance grant from the time his application was filed, and shall be entitled to receive a warrant for the cumulative monthly installments past due.

(c). Any person who has been granted Old Age Assistance and is receiving payments of assistance from the Old Age Assistance Fund may petition the Commission to accept an assignment of assignable death benefits, loan value of cash surrender value of any life insurance policy, death or funeral benefit of any association, society, or organization requiring further payment of premiums, dues or assessments, which such person believes he is unable to pay. The Commission may accept such assignments if it deems such act advisable in the best interest

of such person and the State; but upon the payment of such benefit or other sum due under the policy, the Commission shall first deduct the amount of funeral expenses incurred; and second, the amount of premiums, dues and assessments paid by the Commission to keep the insurance or benefit in force, and third, the amount of assistance paid to such person, one-half ($\frac{1}{2}$) of which shall accrue to the Old Age Assistance Fund, and one-half ($\frac{1}{2}$) of which shall be paid to the United States Treasury in such manner as the Social Security Act may require. After the above deductions, the balance, if any, shall be paid by the Commission as directed by the insured, either to persons designated or into the Old Age Assistance Fund as may be the wish of the insured at the time of the assignment.

(d). The provisions of this Act providing for Old Age Assistance shall not be construed as a vested right in the recipient of Old Age Assistance.

(e). An Old Age Assistance grant shall be absolutely inalienable by any assignment, sale, charge, or execution or other legal process, and in case of bankruptcy the assistance shall not pass through any trustee or other person acting on behalf of creditors.

(f). The Commission is authorized to accept on behalf of the Old Age Assistance Fund any gifts, deeds or bequests or any money or other property, the proceeds of which shall accrue to the benefit of the Old Age Assistance Fund. In making such gifts or contributions the donor shall attach no conditions whatever. The sole management and disposition of the property so received shall be in the Commission.

Sec. 12. (a). All Old Age Assistance benefits provided for under the terms of this Act shall be paid by vouchers or warrants drawn by the State Comptroller on the Texas Old Age Assistance Fund; for the purpose of permitting the State Comptroller to properly draw and issue such vouchers or warrants, the Texas Old Age Assistance Commission shall furnish the Comptroller with a list or roll of those entitled to assistance from time to time, together with the amount to which each recipient is entitled. When such vouchers or warrants have been drawn by the State Comptroller, the same shall be delivered to the Executive Director of the Texas Old Age

Assistance Commission, who in turn shall supervise the delivery of the same to the persons entitled thereto.

(b). The Commission shall furnish monthly to the County Clerk of each County a list showing the names of all persons in such County receiving old age assistance and the amount thereof. And each month thereafter shall send to the said county clerk a list of the names of those who have been placed on the assistance roll in that county since the previous monthly list was sent, and so on each month thereafter that the list may be complete and up to date. Such list shall be a public record in such county and as such shall be available for public inspection at all reasonable hours.

The list shall be made out on loose leaves that are uniform in size and adopted to filing in a book that is well bound. The book and loose leaves shall be furnished to the County Clerk by the Executive Director, and the county clerk shall from time to time insert in said book the additional lists and safely keep same for public inspection in his office at the county seat.

Sec. 13. (a). All grants of assistance or aid from the Federal Government and its agencies shall not be considered as a part of the State Assistance herein granted, but shall be regarded as a separate grant of assistance or aid.

(b). Every assistance granted under the provisions of this Act shall be deemed to be granted and shall be held subject to the provisions of any amending or repealing Act that may be hereafter enacted, and no recipient under this Act shall have any claim for compensation or otherwise by reason of his assistance being affected in any way by such amending or repealing Act.

Sec. 14. Whenever in this Act the masculine pronoun is used, it shall be held to include the feminine pronoun also.

Sec. 15. Any person or persons charged with the duty or responsibility of administering, disbursing, ordering or otherwise handling the grants and funds provided for in this Act, and who shall misappropriate any such grants and funds, or who shall by deception or fraud to any other person wrongfully distribute the grants and funds provided for in this Act, shall be deemed guilty of felony and shall,

upon conviction, be confined in the State penitentiary for a term of not less than two (2) nor more than twenty (20) years.

Sec. 16. Any person who by means of a wilfully false statement or representation, or other fraudulent device, obtains or attempts to obtain, or aids or abets any other person to obtain:

(a). Old Age Assistance to which he is not justly entitled;

(b). A larger amount of assistance than that to which he is justly entitled;

(c). Or aids or abets in the buying or in any way disposing of the property of an Old Age Assistance recipient for the purpose of defrauding the State of Texas, shall be guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine of not exceeding Five Hundred Dollars (\$500.00), or by imprisonment in the county jail for a period not exceeding one (1) year, or by both such fine and imprisonment, and shall be barred for three (3) years from receiving benefits under this Act.

Sec. 17. If any recipient under this Act is convicted of any crime, misdemeanor or felony, or other offense, punishable by imprisonment for a period of six (6) months or longer, such fact shall be reported to the Commission of Old Age Assistance and the said Commission may direct that payments to such recipient be defaulted and withheld for such period.

Sec. 18. It shall be unlawful for any attorney at law or attorney in fact, or any other person, firm or corporation whatsoever, representing any applicant for Old Age Assistance or aid in this State to charge a fee for his services in excess of Ten Dollars (\$10.00) in aiding or representing any such applicant before the Commission of Old Age Assistance or for any other services in aiding such applicant to secure an Old Age Assistance grant. It shall likewise be unlawful for any person, firm or corporation to advertise, hold himself out or solicit the procurement of Old Age Assistance or aid. Any person violating this Section of this Act shall be punished by a fine not to exceed Five Hundred Dollars (\$500.00) or by confinement in the county jail for a period of not to exceed thirty (30) days, or by both such fine and imprisonment. Where any firm, association, or corporation is found to be guilty of a violation of

the provisions of this Section, the offending act of such firm, association, or corporation shall be deemed to be the act of the president, general manager, or other managing official of such firm, association, or corporation, and such official shall be subject to the same penalties as herein provided for other persons.

Sec. 19. A "needy person" within the meaning of this Act is a person unable regularly to earn an income of at least One Dollar (\$1.00) per day, on account of age, infirmity, or inability to procure suitable employment. It is hereby declared to be the intention of this Act to furnish assistance to such persons meeting the other qualifications named elsewhere in this Act, and the Legislature hereby declares that a person should have not less than One Dollar (\$1.00) per day for subsistence in accordance with American ideals of proper living.

Sec. 20. On the death of any person receiving Old Age Assistance, such reasonable funeral expenses for burial shall be paid to such persons as the board of directors; provided, such expenses do not exceed One Hundred Dollars (\$100.00) and the estate of the deceased is insufficient to defray the same.

Sec. 21. If the person receiving assistance is, on the testimony of reputable witnesses, found incapable of taking care of himself or his money, the board may direct the payment of the installments of assistance to any responsible person or corporation for his benefit. It shall be within the power of the Commission to suspend payment for such period as the board shall recommend.

Sec. 22. Within ninety days after the close of each calendar year, the Commission shall make a report to the Governor for the preceding year, stating:

- a. The total number of recipients.
- b. The amount paid in cash.
- c. The total number of applications.
- d. The number granted.
- e. The number denied.
- f. The number canceled during that year, and
- g. Such other information as the Commission may deem advisable.

Sec. 23. The Old Age Assistance Commission shall publish a handbook

embodying this Act, its rules and regulations and other information useful to the public; and such handbook shall be for free distribution to the citizens of the State of Texas that they may be fully informed as to all matters pertaining to this Act and the work of the Old Age Assistance Commission.

Sec. 24. On the effective date of this Act the Board of Control, each agent, officer, and employee of said Board of Control acting under the authority of House Bill No. 8 of the Acts of the Third Special Session of the Forty-fourth Legislature shall deliver to the Old Age Assistance Commission provided for in this Act, all furniture, fixtures, files, books, records, accounts, data, and equipment belonging to the State of Texas, or appertaining to the office of each in his employment; and the Old Age Assistance Commission shall receive and receipt for same. Each member, agent, or officer of said Board of Control, acting as the Old Age Assistance Commission shall pay over to the officer lawfully authorized to receive the same all money coming into his hands as such and shall deliver to the said Old Age Assistance Commission provided for in this Act the possession of the offices and premises occupied by the said Board of Control acting as the Old Age Assistance Commission by authority of said House Bill No. 8.

On the effective date of this Act the Texas Old Age Assistance Commission shall select and appoint an executive director of the Texas Old Age Assistance Commission, and make selection of such other officers and employees as provided for elsewhere in this Act.

Sec. 25. On the effective date of this Act, the State Treasurer shall transfer all funds to the credit of the Texas Old Age Assistance Fund created by House Bill No. 8 of the Acts of the Third Special Session of the Forty-fourth Legislature, to the Texas Old Age Assistance Fund created by virtue of this law.

Sec. 26. Article I. and Article II. of House Bill No. 8 of the Third Special Session of the Forty-fourth Legislature, together with all sections under each of said Articles are hereby expressly repealed, and this Act shall take the place of such parts of said House Bill No. 8 hereby ex-

pressly repealed upon the effective date of this Act.

Sec. 27. That Section 4 of Article IV. of House Bill No. 8 of the Acts of the Third Special Session of the Forty-fourth Legislature is hereby amended so as to hereafter read as follows:

"Section 4. That Section 2 of Chapter 162, Acts of the Forty-third Legislature, Regular Session, as amended by Section 1, Chapter 12, Acts of the First Called Session of the Forty-third Legislature, shall be amended to hereafter read as follows:

'Section 2. (1). There is hereby levied an occupation tax on oil produced within this State of four (4) cents per barrel of forty-two (42) standard gallons. Said tax shall be computed upon the total number of barrels of oil produced or salvaged from the earth or waters of this State without any deductions, and shall be based upon tank tables showing one hundred per cent (100%) of production and exact measurements of contents. Provided, however, that the occupation tax herein levied on oil shall be four (4%) per cent of the market value of said oil whenever the market value thereof is in excess of One (\$1.00) Dollar per barrel of forty-two (42) standard gallons. The market value of oil, as that term is used herein, shall be the actual market value thereof, plus any bonus or premiums, or other things of value paid therefor or which such oil will reasonably bring, if produced in accordance with the laws, rules and regulations of the State of Texas.

'(2). The tax hereby levied shall be a liability of the producer of oil and it shall be the duty of such producer to keep accurate records of all oil produced, making monthly reports under oath as hereinafter provided.

'(3). The purchaser of oil shall pay the tax on all oil purchased and deduct tax so paid from payments due producer or other interest holder, making such payments so deducted to the Comptroller of Public Accounts by legal order or cashier's check payable to the State Treasurer. Provided, that if oil produced is not sold during the month in which produced, then said producer shall pay the tax at the same rate and in the manner as if said oil were sold.

'(4). The tax levied herein shall be paid monthly on the 25th day of each month on all oil produced during the month next preceding by the purchaser or the producer as the case may be, but in no event shall a producer be relieved of responsibility for the tax until same shall have been paid, and provided, in event the amount of the tax herein levied shall be withheld by a purchaser from payments due a producer and said purchaser fails to make payment of the tax to the State as provided herein the producer may bring legal action against such purchaser to recover the amount of tax so withheld, together with penalties and interest which may have accrued by failure to make payments and shall be entitled to reasonable attorney fees and court costs incurred by such legal action.

'(5). Provided, that unless such payment of tax on all oil produced during any month or fractional part thereof shall be made on or before the 25th of the month immediately following, such payment shall become delinquent and a penalty of ten per cent (10%) of the amount of the tax shall be added; such tax and penalty shall bear interest at the rate of six per cent (6%) per annum from the date due until date paid.

'(6). The tax herein levied shall be borne ratably by all interested parties, including royalty interests, and producers and/or purchasers of oil are hereby authorized and required to withhold from any payment due interested parties, the proportionate tax due.

'(7). The taxes herein provided for, when paid shall be, and hereby are allocated as follows, to-wit:

One-fourth of said tax when and as received by the Comptroller shall be paid to the State Treasurer of Texas and be placed to the credit of the Available Public School Fund, and three-fourths of such taxes when and as received by the Comptroller shall be paid to the State Treasurer to be placed to the credit of the Old Age Assistance Fund of the State provided for herein'."

Sec. 28. That Section 8 of Article IV. of House Bill No. 8 of the Acts of the Third Special Session of the Forty-fourth Legislature is hereby amended so as to hereafter read as follows:

"Section 8. That Section 3, of Chapter 73, Acts of the Forty-second

Legislature, be and the same is hereby amended so as to read as follows:

'Section 3. An occupation tax shall be paid by each such producer on the amount of natural gas produced and saved within this State, and on natural gas imported into the State upon the first sale thereof in intrastate commerce upon the following basis:

'A tax of one cent per thousand cubic feet of natural gas produced and saved within this State, or sold, if imported into this State, at the actual market value thereof, as and when produced. Provided, however, that if any gas is imported into this State from another State, in which latter State a severance, occupation or excise tax is imposed, the person importing such gas shall not be required to pay another tax thereon under the provisions of this Act.

'The tax hereby levied shall be a liability of the producer of gas and it shall be the duty of such producer to keep accurate records of all gas produced, making monthly reports under oath as hereinafter provided.

'The purchaser of gas shall pay the tax on all gas purchased and deduct tax so paid from payment due producer or other interest holder, making such payments so deducted to the Comptroller of Public Accounts by legal tender or cashier's check payable to the State Treasury.

'Provided, that if gas produced is not sold during the month in which produced, then said producer shall pay the tax at the same rate and in the manner as if said gas were sold.

'The tax herein levied shall be paid monthly on the 25th day of each month on all gas produced during the month next preceding by the purchaser or the producer as the case may be, but in no event shall a producer be relieved of responsibility for the tax until same shall have been paid; and provided, in event the amount of the tax herein levied shall be withheld by a purchaser from payments due a producer and said purchaser fails to make payment of the tax to the State as provided herein, the producer may bring legal action against such purchaser to recover the amount of tax so withheld, together with penalties and interest accrued by failure to make payments and shall be entitled to reasonable attorney fees and court costs incurred by such legal action'."

Sec. 29. That Section 6 of Article IV of House Bill No. 8 of the Acts of the Third Special Session of the Forty-fourth Legislature is hereby amended so as to hereafter read as follows:

"Sec. 6. That Section 40A of Article 7047, Revised Civil Statutes, 1925, as amended by Acts, 1931, Forty-second Legislature, page 355, Chapter 212, Section 1, be and the same is hereby amended so as to hereafter read as follows:

'40A.—Sulphur producers. Each person who owns, controls, manages, leases, or operates, any sulphur mine, or mines, wells or shafts, or who produces sulphur by any method, system, or manner within this State shall make quarterly on the first day of January, April, July and October of each year a report to the Comptroller sworn to by such person before an officer authorized to administer oaths in this State, or if such person be other than an individual, sworn to by its president, secretary, or other duly authorized officer, on such forms as the Comptroller shall prescribe, showing the total amount of sulphur produced within this State by said person during the quarter next preceding; and at the time of making said report shall pay to the Treasurer of this State as occupation tax for the quarter ending on said date an amount equal to Two Dollars (\$2.00) per long ton, or fraction thereof, of all sulphur produced by said person within the State of Texas during said quarter. Should any person subject to the occupation tax herein levied begin business after the beginning of a quarter, the amount of tax which such person or concern shall pay for the first quarter immediately succeeding the quarter in which the business was begun shall be ascertained by taking the total number of tons produced within the last quarter, dividing the same by the number of days such person or concern was engaged in the business during said preceding quarter and multiplying the quotient by ninety, and multiplying the product by Two Dollars (\$2.00). Said tax shall be in lieu of the tax imposed by House Bill No. 2, Chapter 74, Acts of the Fifth Called Session of the Forty-first Legislature, but said tax shall be paid in the same manner, subject to the same penalties, and under the same conditions as provided in said Act, except that the taxes herein provided for, when paid shall be,

and hereby are, allocated as follows, to wit:

One-fourth of said tax when and as received by the Comptroller shall be paid to the State Treasurer of Texas and be placed to the credit of the Available Public School Fund, and three-fourths of such taxes when and as received by the Comptroller shall be paid to the State Treasurer to be placed to the credit of the Old Age Assistance Fund of the State provided for herein'."

Sec. 30. That Section 7 of Article IV of House Bill No. 8 of the Acts of the Third Special Session of the Forty-fourth Legislature is hereby amended so as to hereafter read as follows:

"Section 7. Amend Article 7047, Revised Civil Statutes, 1925, by adding a new section which shall be known as Section 45, and read as follows:

'Section 45. (a). There is hereby levied an occupation tax on every person in this State manufacturing or producing carbon black, a tax of one cent (.01) per pound.

'(b). The tax herein imposed shall be due and payable at the office of the Comptroller at Austin on the twenty-fifth day of each succeeding month, based on the business done the preceding calendar month, and on or before said date such manufacturer or producer shall make and deliver to the Comptroller a verified report showing all carbon black manufactured, produced and sold upon which a tax accrues, and such other information as the Comptroller may require.

'(c). A complete record of the business done, together with any other information the Comptroller may require, shall be kept by such distributor; which said record shall be open to the Comptroller, Attorney General, Auditor and their representatives; the Comptroller shall adopt rules and regulations for the enforcement hereof.

'(d). In the event any person engaged in the business of producing or manufacturing carbon black in this State shall become delinquent in the payment of taxes herein imposed, the Attorney General may enjoin such person from producing or manufacturing carbon black until the delinquent tax is paid, and the venue of any such suit for injunction is hereby fixed in Travis County.

'(e). If any person shall violate any of the provisions hereof, he shall forfeit to the State of Texas as a penalty not less than Twenty-five Dollars (\$25.00), nor more than One Thousand Dollars (\$1,000.00) for each violation and each day's violation shall constitute a separate offense. If any person shall fail to pay said tax promptly, he shall forfeit two per cent (2%) thereof as penalty, and after the first twenty days he shall forfeit an additional eight per cent (8%). Delinquent taxes shall draw interest at the rate of eight per cent (8%) from due date. The State shall have a prior lien for all delinquent taxes, penalties and interest, on all property used by the producer or manufacturer in his business of manufacturing and producing carbon black.

'(f). The term 'Carbon Black' as herein used includes all black pigment produced in whole or in part from natural gas, casing head gas or residue gas by the impinging of a flame upon a channel disk or plate, and the tax herein imposed shall reach all products produced in such manner.

'(g). The taxes herein provided for, when paid shall be, and hereby are allocated as follows, to-wit:

One-fourth of said tax when and as received by the Comptroller shall be paid to the State Treasurer of Texas and be placed to the credit of the Available Public School Fund, and three-fourths of such taxes when and as received by the Comptroller shall be paid to State Treasurer to be placed to the credit of the Old Age Assistance Fund of the State provided for herein'."

Sec. 31. If any part or parts of this Act shall be held to be unconstitutional such unconstitutionality shall not affect the validity of the remaining parts of this Act. The Legislature hereby declares that it would have passed the remaining parts of this Act if it had known that such part or parts thereof would be declared unconstitutional.

Sec. 32. The fact that there are now in Texas thousands of good citizens who are sixty-five (65) years of age and over, who are in need of assistance because of circumstances over which they have no control; and the further fact that under Section 51b of Article III of the Constitution they are entitled to such assistance; and the further fact that many

hundreds of good citizens who are entitled to this assistance have been neglected and their applications ignored while others have received assistance for more than six months; and the further fact that there is lack of access to the rules and regulations of the Old Age Assistance Commission by the public because of no handbook being published for distribution to the public; and the further fact that no appeal is allowed to any court, and the writ of mandamus has not been provided for; and the further fact that there is insufficient revenue to pay these worthy old people in accordance with the said Constitutional Amendment; create an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in each House be suspended and the said rule is hereby suspended and this Act shall take effect and be in force from and after its passage, and it is so enacted.

Mr. Gibson raised a point of order, on further consideration of committee amendment No. 1 to House Bill No. 48, on the ground that the amendment is not germane to the original bill, as the original bill did not provide for the levying of a tax, and raised the further point of order on further consideration of House Bill No. 48, on the ground that the bill contains more than one subject which is in violation of the Constitution of Texas.

The Chair overruled the point of order.

On motion of Mr. Lucas, the House agreed to consider committee amendment No. 1, section by section.

Question—Shall committee amendment No. 1 be adopted?

ADDITIONAL QUESTIONNAIRES FILED

The following additional questionnaires, filed today, are printed in accordance with the provisions of a resolution heretofore adopted:

(1) R. A. Fuchs.

Brenham, Texas.

Representative of District No. 24.

(2) Stock farmer.

(3) \$20.00 a year for Secretary of Burton Farmers Gin Assn., Inc., of Burton, Texas.

(Signed) R. A. FUCHS.

Sworn and subscribed to this the 15th day of February, 1937.

(Seal)

ADELE JACOBS,
Notary Public, Travis County.

- (1) Delmar King.
Garner, Texas.

Representative of District No. 103.

- (2) Teacher-farmer.
(3) None.

(Signed) DELMAR KING.

Sworn and subscribed to this the 2nd day of February, 1937.

(Seal)

ADELE JACOBS,
Notary Public, Travis County.

- (1) G. H. Little.
Amarillo, Texas.

Representative of District No. 123.

- (2) Lawyer.
(3) None.

(Signed) G. H. LITTLE.

Sworn and subscribed to this the 15th day of February, 1937.

(Seal)

ADELE JACOBS,
Notary Public, Travis County.

- (1) Fred Mauritz.
Ganado, Texas.

Representative of District No. 22.

- (2) Farmer and rancher.
(3) Mauritz Howard Corp., Beaumont; Mauritz Wells Corp., Ganado; Edna Motor Co., Edna. I am part owner in all above concerns.

(Signed) FRED MAURITZ.

Sworn and subscribed to this the 15th day of February, 1937.

(Seal)

ADELE JACOBS,
Notary Public, Travis County.

- (1) C. T. Rhodes.
Hearne, Texas.
Representative of District No. 63.

- (2) Salesman.
(3) None.

(Signed) C. T. RHODES.

Sworn and subscribed to this the 15th day of February, 1937.

(Seal)

ADELE JACOBS,
Notary Public, Travis County.

- (1) Jeff D. Stinson.
Dallas, Texas.
Representative of District No. 50-1.

- (2) Attorney.

- (3) None.

(Signed) JEFF D. STINSON.

Sworn and subscribed to this the 15th day of February, 1937.

(Seal)

ADELE JACOBS,
Notary Public, Travis County.

RECESS

On motion of Mr. Keefe, the House, at 3:05 o'clock p. m., took recess to 10:00 o'clock a. m., tomorrow.

APPENDIX

STANDING COMMITTEE REPORTS

The following committees have filed favorable reports on bills and resolutions, as follows:

Insurance: House Bills Nos. 470 and 471.

State Affairs: House Concurrent Resolutions Nos. 30 and 32.

REPORTS OF THE COMMITTEE ON ENGROSSED BILLS

Austin, Texas, February 11, 1937.

Hon. R. W. Calvert, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 9, A bill to be entitled "An Act to amend Section 20 of Chapter 76 of the Acts of the Forty-fourth Legislature, Regular Session of 1935, and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

Austin, Texas, February 15, 1937.

Hon. R. W. Calvert, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. C. R. No. 34, Commending the Inter-Fraternity Council of the University of Texas, the University of Texas, and the Police Department of the City of Austin.

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

**REPORT OF THE COMMITTEE ON
ENROLLED BILLS**

Austin, Texas, February 15, 1937.

Hon. R. W. Calvert, Speaker of the
House of Representatives.

Sir: Your Committee on Enrolled
Bills, to whom was referred

H. B. No. 88, "An Act creating a
closed season upon certain fish in Har-

rison and Marion Counties, Texas, and
making it unlawful to in anywise take
or catch such fish during such closed
season, or to have such fish in posses-
sion during such closed season; pre-
scribing such penalty for violation of
this Act, and declaring an emergency."

Has carefully compared same and
finds it correctly enrolled.

HERZIK, Chairman.

In Memory of
Fletcher Fred McNeny

Mr. Hanna offered the following resolution:

Whereas, On February 9, 1937, the Grim Reaper called the spirit of Fletcher Fred McNeny, of Dallas, Texas, from the walks of life; and

Whereas, Mr. McNeny was born at Drake's Branch, Virginia, on April 3, 1883, and attended the rural schools of Virginia until he became 12 years of age, when, with his parents he moved to Texas, the family locating at Honey Grove and later located in Dallas where he was engaged in the real estate business with his twin brother, Frank L. McNeny, now Director General of the Pan American Exposition to be held in Dallas this year; and

Whereas, His genial smile, personal charm, good manners and stately demeanor made him easily distinguishable in the company of his fellowman; and

Whereas, In the passing of Mr. McNeny, the community has lost a true patriot, a worthy and honorable citizen; therefore, be it

Resolved, That the House of Representatives of the State of Texas extend its sympathy and condolence to the bereaved family of this distinguished gentleman; and, be it further

Resolved, That this resolution be spread upon the Journal of the House and a copy mailed to his wife, Mrs. Betty A. McNeny, 3640 Beverly Drive, Dallas, Texas.

HANNA,
HARRIS of Dallas,
REED of Dallas,
STINSON,
COLQUITT,
BLANKENSHIP,
MORSE.

The resolution was read second time.

Signed—Calvert, Speaker; Adkins, Alexander, Alsup, Amos, Baker, Bates, Beckworth, Bell, Boethel, Bond, Boyer, Bradbury, Bradford, Bridgers, Broadfoot, Brown, Burton, Cagle, Callan, Carssow, Cathey, Cauthorn, Celaya, Cleveland, Davis of Haskell, Davis of Jasper, Davison of Fisher, Davisson of Eastland, Dean, Deglandon, Derden, Dickison, Dollins, England, Farmer, Felty, Fielden, Fox, Fuchs, Gibson, Graves, Hamilton, Hankamer, Harbin, Hardin, Harper, Harrell, Harris of Archer, Harris of Dickens, Hartzog, Heflin, Herzik, Holland, Hoskins, Howard, Huddleston, Hull, Hyder, Jackson, James, Johnson of Ellis, Johnson of Tarrant, Jones of Angelina, Jones of Atascosa, Jones of Falls, Jones of Wise, Keefe, Keith, Kelt, Kenyon, Kern, King, Knetsch, Langdon, Lankford, Lanning, Leath, Leonard, Leyendecker, Little, Loggins, London, Lucas, Mann, Mauritz, Mays, McConnell, McCracken, McDonald, McFarland, McKee, McKinney, Metcalfe, Moffett, Monkhouse, Morris, Newton, Nicholson, Oliver, Palmer, Patterson of Mills, Patterson of Travis, Petsch, Pope, Powell, Prescott, Quinn, Ragsdale, Reader, Reed of Bowie, Rhodes, Riddle, Roark, Ross, Russell, Rutta, Schuenemann, Settle, Sewell, Sharpe, Shell, Simpson, Skaggs, Smith of Hopkins, Smith of Matagorda, Smith of Tarrant, Stevenson, Stocks, Talbert, Tarwater, Tennant, Tennyson, Thornberry, Thornton, Vale, Waggoner, Walker, Weldon, Westbrook, Winfree, Wood and Worley.

On motion of Mr. Boethel, the names of all the Members of the House were added to the resolution as signers therof.

The resolution was unanimously adopted.

In Memory of
Hon. Charles G. Thomas

Mr. Smith of Tarrant offered the following resolution:

Whereas, On the evening of February 14th, the Supreme Architect of the Universe, in His infinite wisdom, called from mortal existence, the Honorable Charles G. Thomas, of Denton County; and

Whereas, Mr. Thomas served his district as a Member of the House of Representatives for several Legislatures, and also served as Speaker of the House during the Thirty-seventh Legislature and, more recently, he served Texas as Secretary of the Texas Relief Commission; and

Whereas, During his service to his district and State, he carved deeply on the memories of those who knew him the mark of righteousness and statesmanship; and

Whereas, His passing brings to our minds the conviction that "There is no death, the stars look down and give life upon some fairer shores, and there is a Heavenly Jeweled Crown that will shine forever more"; therefore, be it

Resolved, That the Members of the Forty-fifth Legislature express to the family of the deceased our sympathy in this, their hour of bereavement, and that when the House adjourns Monday, it do so out of honor and respect to the memory of Mr. Thomas, and that a copy of this resolution be furnished to the members of the deceased's family; and, be it further

Resolved, That a suitable floral offering be sent to the family; and, be it further

Resolved, That the Board of Control be instructed to lower the flag at half mast during the funeral services Tuesday morning, February 16th.

HYDER,
SMITH of Tarrant.

The resolution was read second time.

Signed—Calvert, Speaker; Adkins, Alexander, Alsup, Amos, Baker, Bates, Beckworth, Bell, Blankenship, Boethel, Bond, Boyer, Bradbury, Bradford, Bridgers, Broadfoot, Brown, Burton, Cagle, Callan, Carssow, Cathey, Cauthorn, Celaya, Cleveland, Colquitt, Davis of Haskell, Davis of Jasper, Davison of Fisher, Davison of Eastland, Dean, Deglandon, Derden, Dickison, Dollins, England, Farmer, Felty, Fielden, Fox, Fuchs, Gibson, Graves, Hamilton, Hankamer, Hanna, Harbin, Hardin, Harper, Harrell, Harris of Archer, Harris of Dallas, Harris of Dickens, Hartzog, Heflin, Herzik, Holland, Hoskins, Howard, Huddleston, Hull, Jackson, James, Johnson of Ellis, Johnson of Tarrant, Jones of Angelina, Jones of Atascosa, Jones of Falls, Jones of Wise, Keefe, Keith, Kelt, Kenyon, Kern, King, Knetsch, Langdon, Lankford, Lanning, Leath, Leonard, Leyendecker, Little, Loggins, London, Lucas, Mann, Mauritz, Mays, McConnell, McCracken, McDonald, McFarland, McKee, McKinney, Metcalfe, Moffett, Monkhouse, Morris, Morse, Newton, Nicholson, Oliver, Palmer, Patterson of Mills, Patterson of Travis, Petsch, Pope, Powell, Prescott, Quinn, Ragsdale, Reader, Reed of Bowie, Reed of Dallas, Rhodes, Riddle, Roark, Ross, Russell, Rutta, Schuenemann, Settle, Sewell, Sharpe, Shell, Simpson, Skaggs, Smith of Hopkins, Smith of Matagorda, Stevenson, Stinson, Stocks, Talbert, Tarwater, Tennant, Tennvson, Thornberry, Thornton, Vale, Waggoner, Walker, Weldon, Westbrook, Winfree, Wood and Worley.

On motion of Mr. Farmer, the names of all the Members of the House were added to the resolution as signers thereof.

The resolution was unanimously adopted.